

JOURNAL OF THE HOUSE

First Regular Session, 96th GENERAL ASSEMBLY

TWENTY-SEVENTH DAY, TUESDAY, FEBRUARY 22, 2011

The House met pursuant to adjournment.

Speaker Tilley in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Create in us clean hearts, O Lord, and renew a right spirit within us. (Psalm 51:10)

O Lord, our God, before Whom all deceit fades, all pretense fails, all ill will falls, Who is the way, the truth and the life - bless us this day as we open the House with Your spirit and help us walk in Your way, to believe Your truth and to live Your life.

Forgive our foolish ways, the mistakes we make, the sins we commit, the harsh criticism we direct toward those who disagree with us, and our slowness to see the good in others and the wrong in ourselves.

Then, create in us clean hearts, O Lord, and renew a right spirit within us - that Your will may be done in us, in our beloved state of Missouri, and in all people we serve. The House says "Amen".

The Pledge of Allegiance to the flag was recited.

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

The Journal of the twenty-sixth day was approved as printed.

HOUSE RESOLUTION

Representative Webber offered House Resolution No. 696.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 664 through House Resolution No. 695

House Resolution No. 697

HOUSE CONCURRENT RESOLUTIONS

Representative Hampton, et al., offered House Concurrent Resolution No. 34.

Representative Oxford, et al., offered House Concurrent Resolution No. 35.

Representative Oxford, et al., offered House Concurrent Resolution No. 36.

SECOND READING OF HOUSE BILLS

HB 589 through **HB 603** were read the second time.

THIRD READING OF HOUSE BILL

HB 71, relating to the City of St. Louis Police Force, was taken up by Representative Nasheed.

Speaker Pro Tem Schoeller assumed the Chair.

On motion of Representative Nasheed, **HB 71** was read the third time and passed by the following vote:

AYES: 109

Allen	Asbury	Aull	Bahr	Barnes
Bernskoetter	Berry	Brandom	Burlison	Carlson
Carter	Cauthorn	Cierpiot	Colona	Conway 27
Cookson	Cox	Crawford	Cross	Day
Denison	Dieckhaus	Diehl	Dugger	Ellinger
Elmer	Entlicher	Faith	Fisher	Fitzwater
Flanigan	Franklin	Franz	Frederick	Funderburk
Gosen	Grisamore	Guernsey	Hampton	Harris
Holsman	Hoskins	Hough	Houghton	Hubbard
Hummel	Johnson	Jones 63	Jones 117	Keeney
Kelley 126	Klippenstein	Koenig	Lair	Lampe
Lant	Largent	Lasater	Lauer	Leach
Lichtenegger	Long	Marshall	May	McCann Beatty
McGhee	McManus	McNary	McNeil	Molendorp
Nasheed	Newman	Nolte	Oxford	Pace
Peters-Baker	Pierson	Pollock	Quinn	Redmon
Reiboldt	Richardson	Riddle	Rizzo	Rowland
Sater	Schad	Schatz	Schieber	Schoeller
Schupp	Shumake	Smith 71	Smith 150	Solon
Still	Swinger	Talboy	Taylor	Thomson
Torpey	Wallingford	Walton Gray	Webb	Webber
Wells	Wright	Wyatt	Mr Speaker	

NOES: 046

Anders	Atkins	Black	Brattin	Brown 85
Casey	Conway 14	Curtman	Davis	Fallert
Fuhr	Haefner	Higdon	Hinson	Hodges
Jones 89	Kander	Kelly 24	Kirkton	Korman
Kratky	Leara	Loehner	McCaherty	McDonald
McGeoghegan	Meadows	Montecillo	Nance	Neth
Nichols	Phillips	Ruzicka	Scharnhorst	Schieffer
Schneider	Shively	Sifton	Silvey	Spreng
Stream	Swearingen	Weter	White	Wieland
Zerr				

PRESENT: 000

ABSENT WITH LEAVE: 008

Brown 50	Brown 116	Curls	Fraker	Gatschenberger
Hughes	Parkinson	Zimmerman		

Speaker Pro Tem Schoeller declared the bill passed.

PERFECTION OF HOUSE BILLS - APPROPRIATIONS

HCS HB 14, relating to appropriations, was taken up by Representative Silvey.

On motion of Representative Silvey, **HCS HB 14** was adopted.

On motion of Representative Silvey, **HCS HB 14** was ordered perfected and printed.

HB 15, relating to appropriations, was taken up by Representative Silvey.

On motion of Representative Silvey, **HB 15** was ordered perfected and printed.

PERFECTION OF HOUSE BILL

HB 209, relating to private nuisance actions, was taken up by Representative Guernsey.

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

House Amendment No. 1

AMEND House Bill No. 209, Page 2, Section 537.296, Line 36, by inserting after all of said line the following:

“7. The provisions of this section shall not apply to any claim for private nuisance by a plaintiff whose property ownership precedes the defendant’s activities giving rise to the cause of action.”; and

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

Representative Smith (150) assumed the Chair.

Representative Jones (89) moved the previous question.

Which motion was adopted by the following vote:

AYES: 104

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Burlison
Cauthorn	Cierpiot	Conway 14	Cookson	Cox
Crawford	Cross	Curtman	Davis	Day
Denison	Dieckhaus	Diehl	Dugger	Elmer
Entlicher	Faith	Fisher	Fitzwater	Flanigan
Fraker	Franklin	Franz	Frederick	Funderburk
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
Hampton	Higdon	Hinson	Hoskins	Hough

Houghton	Johnson	Jones 89	Jones 117	Keeney
Kelley 126	Klippenstein	Koenig	Korman	Lair
Lant	Largent	Lasater	Lauer	Leach
Leara	Lichtenegger	Loehner	Long	Marshall
McCaherty	McGhee	McNary	Molendorp	Nance
Neth	Nolte	Parkinson	Phillips	Pollock
Redmon	Reiboldt	Richardson	Riddle	Rowland
Ruzicka	Sater	Schad	Scharnhorst	Schatz
Schieber	Schneider	Schoeller	Shumake	Silvey
Smith 150	Solon	Stream	Thomson	Torpey
Wallingford	Wells	Weter	White	Wieland
Wright	Wyatt	Zerr	Mr Speaker	

NOES: 048

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

PRESENT: 000

ABSENT WITH LEAVE: 011

Brown 50	Brown 116	Carter	Curls	Fuhr
Hughes	Jones 63	Nasheed	Quinn	Swinger
Zimmerman				

Representative Shively moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

HB 209 was laid over.

RE-REFERRAL OF HOUSE BILL

The following House Bill was re-referred to the Committee indicated:

HB 431 - Judiciary

COMMITTEE REPORTS

Committee on Agri-Business, Chairman Guernsey reporting:

Mr. Speaker: Your Committee on Agri-Business, to which was referred **HB 266**, 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 Health Care Policy, Chairman Sater reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 29**, 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 Health Care Policy, to which was referred **HB 196**, 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 Judiciary, Chairman Cox reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 256**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on Rural Community Development, Chairman Weter reporting:

Mr. Speaker: Your Committee on Rural Community Development, to which was referred **HJR 5**, 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 CONCURRENT RESOLUTION

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

HCR 37, introduced by Representatives Franklin, Frederick, Crawford, Lauer, Zerr, Lichtenegger, Curtman, Franz, Brattin, Wallingford, Fraker, Weter, Smith (150), Phillips, White, Davis, Schatz, Houghton, Cross, Hough, Gosen, Hoskins, Haefner, Lasater, Conway (14), Leach, Burlison, Asbury, Fitzwater, Johnson, Entlicher, Brown (85), Dieckhaus, Redmon, Wyatt, Jones (117), Torpey and Kelley (126), relating to the recognition of every third week in June as Diabetic Peripheral Neuropathy Week.

INTRODUCTION OF HOUSE JOINT RESOLUTIONS

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

HJR 27, introduced by Representatives Brattin, Gatschenberger, Bahr, Kelley (126), Conway (14), Molendorp, Davis, White, Frederick, Lichtenegger, Schoeller, Smith (150), Solon, Berry, Largent, Hoskins, Pollock, Riddle, Schieber, Rowland, Bernskoetter, Richardson, Houghton, Fisher, Phillips, Lair, Long, Higdon, Jones (117), Asbury, Guernsey, Curtman, Koenig, Harris, Johnson, Diehl, Cierpiot, Franklin, Reiboldt, Lant, Redmon, Fuhr, Dugger, Hough, Fitzwater, Fraker, Lasater, Hampton, Burlison, Faith, Marshall, Black, Schieffer, Jones (89), Colona, Keeney, Sater, Cross, Ruzicka, Wallingford, Shumake, Bandom, Elmer, Scharnhorst, Leach, Schatz, Loehner and Tilley, relating to the right to bear arms.

HJR 28, introduced by Representatives Walton Gray, Oxford, Pace, Pierson, Lampe, Webb, Schieffer, Wells, Atkins and Black, relating to the general assembly.

HJR 29, introduced by Representatives Solon, Torpey, Higdon, Fitzwater, Diehl, Houghton, Lasater, Wallingford, Day, Fuhr, Kelly (24), Hubbard, Brattin, Haefner, Rizzo, Fraker and Nichols, relating to the state lottery.

INTRODUCTION OF HOUSE BILLS

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

HB 604, introduced by Representatives Long, Kelley (126), Richardson, Pollock, Weter, Franklin, Brown (85), Davis, Denison, Taylor, Zerr, Hampton, Gatschenberger, Lauer, Cross, Higdon, McNary, Solon, Talboy, Jones (63), Stream, Montecillo, Neth, Koenig, Allen, Grisamore and Hough, relating to parental rights of individuals with disabilities.

HB 605, introduced by Representatives Schieffer, Wells, Meadows, McDonald, Fallert and Denison, relating to collection of sales taxes on motor vehicles.

HB 606, introduced by Representative Schoeller, relating to limitations on punitive damages.

HB 607, introduced by Representative Franz, relating to health insurance coverage for licensed athletic trainers.

HB 608, introduced by Representatives Meadows, McGeoghegan, Fallert, Atkins and Ellinger, relating to van accessible parking spaces.

HB 609, introduced by Representative Molendorp, relating to the Show-Me health insurance exchange act.

HB 610, introduced by Representatives Molendorp and Nance, relating to the motorist insurance identification database program.

HB 611, introduced by Representatives Holsman, Atkins and Oxford, relating to light pollution.

HB 612, introduced by Representatives Holsman, Atkins, Oxford, McNeil and Walton Gray, relating to school class size.

HB 613, introduced by Representatives Holsman, McNeil, Kirkton, Atkins and Walton Gray, relating to renewable energy technology.

HB 614, introduced by Representatives Holsman and Atkins, relating to tuition rates for students at institutions of higher education.

HB 615, introduced by Representatives Holsman and Atkins, relating to the civil disaster response corps.

HB 616, introduced by Representatives Holsman and Atkins, relating to renewable energy.

HB 617, introduced by Representatives Holsman, Atkins, McNeil and Walton Gray, relating to the school calendar.

HB 618, introduced by Representatives Holsman and Atkins, relating to an income tax deduction for school supplies.

HB 619, introduced by Representatives Holsman and Atkins, relating to broadcasting of professional sporting events in publicly funded stadiums.

HB 620, introduced by Representatives Holsman, Atkins, Talboy and Walton Gray, relating to industrial hemp.

HB 621, introduced by Representatives Holsman, Atkins, Oxford, McNeil and Walton Gray, relating to high school dropout prevention.

HB 622, introduced by Representatives Holsman, Atkins, McNeil and Walton Gray, relating to solar water heating systems.

HB 623, introduced by Representatives Marshall, Lasater, Lant, Torpey, Brattin, Sifton and Kelley (126), relating to liability for driving while intoxicated.

HB 624, introduced by Representatives McNeil, Montecillo, Oxford, Still, Schupp and Carlson, relating to corporal punishment in schools.

HB 625, introduced by Representatives Nichols, Diehl and Kratky, relating to condemnation commissioners.

HB 626, introduced by Representatives Solon, Tilley, Hubbard, Nasheed, Nolte, Diehl, Haefner, Schoeller, Riddle and Higdon, relating to the senior citizens protection act for retired persons.

HB 627, introduced by Representative Curls, relating to contributions to political action committees.

HB 628, introduced by Representatives Dieckhaus, Scharnhorst, Leara and Tilley, relating to teacher continuing contracts.

HB 629, introduced by Representatives Cierpiot, Torpey, Cox, Schad, Smith (150), Dieckhaus, Berry, Elmer, Scharnhorst, Lichtenegger and Jones (89), relating to dates for conducting elections.

HB 630, introduced by Representative Grisamore, relating to the Missouri task force on prematurity and infant mortality.

HB 631, introduced by Representative Grisamore, relating to designation of tax refunds to the developmental disabilities waiting list equity trust fund.

HB 632, introduced by Representatives Frederick, Lichtenegger, Brattin, Franklin and White, relating to a controlled substances dispensation monitoring program.

HB 633, introduced by Representative Ruzicka, relating to the agritourism promotion act.

HB 634, introduced by Representative Ruzicka, relating to imposing costs of investigation and prosecution of criminal cases on defendants.

HB 635, introduced by Representatives Silvey, Hough, Gatschenberger, Carter, Colona, Hummel, Nasheed, Hinson, Richardson, Webb, McNeil, Scharnhorst, Hodges, Talboy, Conway (27) and Nichols, relating to paid members of any fire department or fire district.

HB 636, introduced by Representatives Oxford, Walton Gray, Pace, Atkins, Still, Newman, Schupp, Kirkton, McNeil, Montecillo, Carter, Nichols, Jones (63), Smith (71), Talboy, Spreng, Ellinger, Curls, Lampe, Webber, Nasheed, Carlson, Swearingen, Peters-Baker, McCann Beatty, Hughes, Pierson, Zimmerman, Colona, Sifton, Taylor, Holsman, Webb, Kelly (24), Hubbard and Kander, relating to the compassionate assistance for rape emergencies act.

HB 637, introduced by Representatives Oxford, Smith (71), Walton Gray, Pace, Atkins, Kirkton, Montecillo, Jones (63), Carter, Talboy, Ellinger, Fallert, Curls, Nasheed, Brown (50), Hughes, Pierson, Hummel, McGeoghegan, Taylor, Holsman, Webb, Hubbard and McCann Beatty, relating to individual income tax.

HB 638, introduced by Representatives Funderburk, Tilley, Talboy, Silvey, Franz, Molendorp, Still, Nance, Colona, Parkinson, Gatschenberger, Scharnhorst, Hummel, Meadows and Ruzicka, relating to the insured vehicle identification network program.

HB 639, introduced by Representatives McNary, Dieckhaus, Koenig, Stream, Neth, Scharnhorst, Weter, Higdon, Wright, Diehl, McCaherty, Leara, Davis, White, Zerr, Kelley (126), Jones (117), Elmer, Brown (85), Wallingford, Leach, Cookson, Berry, Bahr, Jones (63), Black, Nasheed and Grisamore, relating to student progression.

HB 640, introduced by Representatives Neth, Hough, Long and Elmer, relating to electioneering.

HB 641, introduced by Representatives Franz, Burlison, Funderburk, Nance, Ruzicka, Lasater, Wells, Dugger, Long, Cross, Black, Gosen, Nolte and Loehner, relating to controlled substances.

HB 642, introduced by Representatives Cookson, Dieckhaus, Jones (63) and Rowland, relating to summer school.

COMMUNICATION

February 21, 2011

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

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal interest in legislation on which the House of Representatives may vote during the legislative session. I am a member of the Public School Retirement System (PSRS).

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

Thank you for your attention to this matter.

Respectfully,

/s/ Genise Montecillo
District 66

ADJOURNMENT

On motion of Representative Jones (89), the House adjourned until 10:00 a.m., Wednesday, February 23, 2011.

COMMITTEE MEETINGS

AGRICULTURE POLICY

Tuesday, March 1, 2011, 12:00 PM House Hearing Room 6.
Public hearing to be held on: HCR 17
Executive session may be held on any matter referred to the committee.

CORRECTIONS

Wednesday, February 23, 2011, 5:00 PM House Hearing Room 1.
Public hearing to be held on: HB 87, HB 200, HB 445
Executive session may be held on any matter referred to the committee.

CRIME PREVENTION AND PUBLIC SAFETY

Wednesday, February 23, 2011, 12:00 PM House Hearing Room 4.
Public hearing to be held on: HB 118, HB 295
Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 23, 2011, 8:00 AM House Hearing Room 6.
Public hearing to be held on: HB 362, HB 473

FINANCIAL INSTITUTIONS

Wednesday, February 23, 2011, 5:00 PM House Hearing Room 6.
Executive session will be held: HB 50, HB 173, HB 465
Executive session may be held on any matter referred to the committee.

FISCAL REVIEW

Thursday, February 24, 2011, 8:30 AM South Gallery.
Executive session may be held on any matter referred to the committee.
All bills assigned to the committee.

HEALTH CARE POLICY

Wednesday, February 23, 2011, 12:00 PM House Hearing Room 6.
Public hearing to be held on: HB 272, HB 412, HB 423, HB 201
Executive session may be held on any matter referred to the committee.

INTERNATIONAL TRADE AND JOB CREATION

Wednesday, February 23, 2011, 5:00 PM House Hearing Room 7.
Executive session may be held on any matter referred to the committee.
Presentations will be given by the Department of Economic Development and the Department of Agriculture.

JUDICIARY

Wednesday, February 23, 2011, 12:00 PM House Hearing Room 1.
Public hearing to be held on: HB 158, HB 159, HB 417, HB 404, HB 257
Executive session may be held on any matter referred to the committee.
AMENDED

LOCAL GOVERNMENT

Wednesday, February 23, 2011, 8:00 AM House Hearing Room 7.
Public hearing to be held on: HB 70, HB 327
Executive session may be held on any matter referred to the committee.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 23, 2011, House Hearing Room 5.
12:00 PM, or upon morning adjournment if after 12:00 PM.
Public hearing to be held on: HB 311
Executive session may be held on any matter referred to the committee.

RETIREMENT

Thursday, February 24, 2011, 8:00 AM House Hearing Room 7.
Public hearing to be held on: HB 409
Executive session may be held on any matter referred to the committee.

TAX REFORM

Wednesday, February 23, 2011, 8:00 AM House Hearing Room 5.

Public hearing to be held on: HB 36, HB 335, HB 429, HB 470

Executive session will be held: HJR 8

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

TOURISM AND NATURAL RESOURCES

Thursday, February 24, 2011, 8:30 AM House Hearing Room 1.

Public hearing to be held on: HCR 6, HCR 11, HB 98

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

WAYS AND MEANS

Thursday, February 24, 2011, 8:00 AM House Hearing Room 5.

Public hearing to be held on: HB 286, HB 506, HB 144

HOUSE CALENDAR

TWENTY-EIGHTH DAY, WEDNESDAY, FEBRUARY 23, 2011

HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING

HCR 37

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 27 through HJR 29

HOUSE BILLS FOR SECOND READING

HB 604 through HB 642

HOUSE BILLS FOR PERFECTION

- 1 HB 139 - Smith (150)
- 2 HB 209 - Guernsey
- 3 HCS HB 76 - Nolte
- 4 HB 107 - Smith (150)
- 5 HCS HB 61 - Nolte
- 6 HCS HB 205 - Elmer

HOUSE BILLS FOR PERFECTION - INFORMAL

HCS HB 91 - Nolte

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING

HCR 9, (2-1-11, Page 277) - Barnes

HCR 3, (2-8-11, Page 309) - Scharnhorst