

JOURNAL OF THE HOUSE

First Regular Session, 96th GENERAL ASSEMBLY

THIRTY-FIRST DAY, TUESDAY, MARCH 1, 2011

The House met pursuant to adjournment.

Speaker Tilley in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Let the words of my mouth, and the meditation of my heart, be acceptable in your sight, O Lord, my strength and my Redeemer. (Psalm 19:14)

Our Father, Who art in heaven, we come to You conscious of our shortcomings and our faults, yet confident that You are with us and that with You sins are forgiven, discouragement gives way to encouragement, fear changes to faith, and a new glory enters human life.

Give us the courage of our convictions - the confidence to say yes to what is right, the courage to say no to what is wrong, and the wisdom and insight to know the difference. May this spirit enter the hearts of all our people. So shall we be children of You, serving You faithfully all our days. Let the words of our mouths, and the meditations of our hearts, be acceptable in Your sight, O God, our strength and our joy.

We remember the late Corporal Frank Woodruff Buckles, born near Bethany, Missouri, who passed away this weekend at the age of 110. He was the last living link to all who served in our armed forces during the First World War. May he and all veterans rest in peace. And the House says, "Amen."

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Nathan McGhee and Lydia Harrison.

The Journal of the thirtieth day was approved as printed.

HOUSE RESOLUTION

Representative Sifton offered House Resolution No. 787.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 761 through House Resolution No. 786
House Resolution No. 788

HOUSE CONCURRENT RESOLUTION

Representative Parkinson, et al., offered House Concurrent Resolution No. 41.

SECOND READING OF HOUSE JOINT RESOLUTIONS

HJR 32 and **HJR 33** were read the second time.

SECOND READING OF HOUSE BILLS

HB 694 through **HB 708** were read the second time.

SECOND READING OF SENATE BILL

SB 187 was read the second time.

PERFECTION OF HOUSE BILLS

HCS HBs 276, 233 & 274, as amended, relating to unlawful picketing of a funeral, was taken up by Representative Franz.

On motion of Representative Franz, **HCS HBs 276, 233 & 274, as amended**, was adopted.

On motion of Representative Franz, **HCS HBs 276, 233 & 274, as amended**, was ordered perfected and printed.

HCS HB 61, relating to state minimum wage, was taken up by Representative Nolte.

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

Representative Cox raised a point of order that **House Amendment No. 1** is out of order pursuant to Rule 46(d).

The Chair ruled the point of order well taken.

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 61, Section 290.502, Page 1, Line 17, by inserting the following after all of said line:

“290.512. 1. [No employer of any employee who receives and retains compensation in the form of gratuities in addition to wages is required to pay wages in excess of fifty percent of the minimum wage rate specified in sections 290.500 to 290.530, however, total compensation for such employee shall total at least the minimum wage specified in sections 290.500 to 290.530, the difference being made up by the employer] **An employer may not apply tips or gratuities bestowed on employees as a credit toward payment of the minimum hourly wage required by section 290.502.**

2. If an employee receives and retains compensation in the form of goods or services as an incident of his employment and if he is not required to exercise any discretion in order to receive the goods or services, the employer is required to pay only the difference between the fair market value of the goods and services and the minimum wage otherwise required to be paid by sections 290.500 to 290.530. The fair market value of the goods and services shall be computed on a weekly basis. The director shall provide by regulation a method of valuing the goods and services received by any employee in lieu of the wages otherwise required to be paid under the provisions of sections 290.500

to 290.530. He shall also provide by regulation a method of determining those types of goods and services that are an incident of employment the receipt of which does not require any discretion on the part of the employee.”; and

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

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

Which motion was defeated.

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 61, Section 290.502, Page 1, Lines 14-17, by deleting all of said lines and inserting in lieu thereof the following:

“3. The minimum wage calculated under this section shall be equal to an hourly wage rate which on an annual basis based on forty hours per week, fifty-two weeks per year, is equivalent to one hundred and thirty percent of the federal poverty guidelines for a family of three, as updated annually in the Federal Register by the United States Department of Health and Human Services.”; and

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

Representative Oxford moved that **House Amendment No. 3** be adopted.

Which motion was defeated by the following vote:

AYES: 051

Anders	Atkins	Black	Brown 50	Carlson
Carter	Casey	Colona	Conway 27	Curls
Ellinger	Fallert	Harris	Hodges	Holsman
Hubbard	Hummel	Jones 63	Kander	Kelly 24
Kirkton	Kratky	Lampe	May	McCann Beatty
McDonald	McGeoghegan	McManus	McNeil	Montecillo
Nasheed	Newman	Nichols	Oxford	Pace
Peters-Baker	Pierson	Quinn	Rizzo	Schieffer
Shively	Sifton	Smith 71	Spreng	Still
Swearingen	Taylor	Walton Gray	Webb	Webber
Zimmerman				

NOES: 106

Allen	Asbury	Aull	Bahr	Barnes
Bernskoetter	Berry	Brandom	Brattin	Brown 85
Brown 116	Burlison	Cauthorn	Cierpiot	Conway 14
Cookson	Cox	Crawford	Cross	Curtman
Davis	Day	Denison	Dieckhaus	Dugger
Elmer	Entlicher	Faith	Fisher	Fitzwater
Flanigan	Fraker	Franklin	Franz	Frederick
Fuhr	Funderburk	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hampton	Higdon	Hinson
Hoskins	Hough	Houghton	Johnson	Jones 89
Jones 117	Keeney	Kelley 126	Klippenstein	Koenig
Korman	Lair	Lant	Largent	Lasater

Lauer	Leach	Leara	Lichtenegger	Loehner
Long	Marshall	McCaherty	McGhee	McNary
Molendorp	Nance	Neth	Nolte	Parkinson
Phillips	Pollock	Redmon	Reiboldt	Richardson
Rowland	Ruzicka	Sater	Schad	Scharnhorst
Schatz	Schieber	Schneider	Schoeller	Shumake
Silvey	Smith 150	Solon	Stream	Swinger
Thomson	Torpey	Wallingford	Wells	Weter
White	Wieland	Wright	Wyatt	Zerr
Mr Speaker				

PRESENT: 000

ABSENT WITH LEAVE: 006

Diehl	Hughes	Meadows	Riddle	Schupp
Talboy				

Speaker Pro Tem Schoeller assumed the Chair.

On motion of Representative Nolte, **HCS HB 61** was adopted by the following vote:

AYES: 096

Allen	Asbury	Bahr	Barnes	Bernskoetter
Berry	Brandom	Brattin	Brown 85	Brown 116
Burlison	Cauthorn	Cierpiot	Conway 14	Cookson
Cox	Crawford	Cross	Curtman	Davis
Day	Denison	Dieckhaus	Diehl	Dugger
Elmer	Entlicher	Faith	Fisher	Fraker
Franklin	Franz	Frederick	Fuhr	Funderburk
Gatschenberger	Gosen	Grisamore	Guernsey	Haefner
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	McNary
Molendorp	Nance	Neth	Nolte	Parkinson
Pollock	Redmon	Reiboldt	Richardson	Ruzicka
Sater	Schad	Scharnhorst	Schatz	Schieber
Schneider	Schoeller	Shumake	Smith 150	Solon
Stream	Thomson	Torpey	Wallingford	Wells
Weter	White	Wieland	Wright	Wyatt
Mr Speaker				

NOES: 061

Anders	Atkins	Aull	Black	Brown 50
Carlson	Carter	Casey	Colona	Conway 27
Curls	Ellinger	Fallert	Fitzwater	Hampton
Harris	Hodges	Holsman	Hubbard	Hummel
Jones 63	Kander	Kelly 24	Kirkton	Kratky
Lampe	May	McCaherty	McCann Beatty	McDonald
McGeoghegan	McGhee	McManus	McNeil	Montecillo
Nasheed	Newman	Nichols	Oxford	Pace
Peters-Baker	Phillips	Pierson	Quinn	Rizzo
Rowland	Schieffer	Shively	Sifton	Silvey

Smith 71	Spreng	Still	Swearingen	Swinger
Taylor	Walton Gray	Webb	Webber	Zerr
Zimmerman				

PRESENT: 000

ABSENT WITH LEAVE: 006

Flanigan	Hughes	Meadows	Riddle	Schupp
Talboy				

On motion of Representative Nolte, **HCS HB 61** was ordered perfected and printed.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HCS HB 76 - Fiscal Review (Fiscal Note)

RE-REFERRAL OF HOUSE BILL

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

HB 241 - Retirement

COMMITTEE REPORTS

Committee on Veterans, Chairman Day reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HCR 33**, 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. 33

WHEREAS, while war deaths have been a part of our heritage since the birth of this nation, the United States has not instituted an official symbol commemorating fallen servicepersons; and

WHEREAS, H.R. 1034 was introduced in the 111th Congress designating the Honor and Remember Flag, created by Honor and Remember, Inc., as an official recognition and in honor of fallen members of the United States Armed Forces; and

WHEREAS, the Honor and Remember Flag's red field represents the brave men and women who sacrificed their lives for freedom. The flag's blue star is a symbol of active service in military conflict that dates back to World War I. The flag's white border recognizes the purity of sacrifice. The flag's gold star signifies the ultimate sacrifice of a warrior in active service who is not returning home and reflects the value of the life given. The folded flag element highlights this nation's final tribute to a fallen serviceperson and a family's sacrifice. The flag's flame symbolizes the eternal spirit of the departed; and

WHEREAS, the Honor and Remember Flag is a unifying symbol recognizing this nation's solemn debt to the estimated 1.6 million fallen servicepersons throughout history and the families and communities who mourn their loss:

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 designates the Honor and Remember Flag as the State of Missouri's emblem of service and sacrifice by the brave men and women of the United States Armed Forces who have given their lives in the line of duty and urges the United States Congress to enact a similar resolution; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Missouri Veterans Commission and each member of the Missouri Congressional Delegation.

Mr. Speaker: Your Committee on Veterans, to which was referred **HJR 29**, 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.

INTRODUCTION OF HOUSE JOINT RESOLUTION

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

HJR 34, introduced by Representatives Nasheed, Jones (63), Curls, Pierson, Webb, Atkins, Hubbard, Montecillo, McCann Beatty, McGeoghegan, Colona, May, Carlson, Hodges, McDonald, Newman, Peters-Baker, Taylor, Brown (50), Talboy, Hummel, Lampe, Casey, McNary, Higdon, Lant, Reiboldt, Carter, Funderburk and McGhee, relating to the term limit reform act.

INTRODUCTION OF HOUSE BILLS

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

HB 709, introduced by Representatives Nichols, Taylor and Oxford, relating to elections.

HB 710, introduced by Representatives Nichols, Taylor, Ellinger and Atkins, relating to termination of community improvement districts.

HB 711, introduced by Representatives McDonald, Torpey, Brown (50), Kratky, Colona, Rizzo, Cierpiot, Curls, Hodges, Kander, Anders, Lasater, McManus, Molendorp, Talboy, Peters-Baker, Holsman, Nance, Grisamore, Cross, Hummel, Meadows, Fallert, Casey, McGeoghegan, Swearingen, Harris, Lauer and McNary, relating to the nonpayment of sewer services.

HB 712, introduced by Representatives Webb, Carter, Tilley, Smith (150), Jones (89), Silvey, Talboy, Riddle, Casey, Taylor, Allen, Holsman, McGhee, Nasheed, Montecillo and Smith (71), relating to the Missouri juneteenth heritage and jazz festival and memorial.

HB 713, introduced by Representatives Phillips, Scharnhorst, Rowland, Ruzicka and Denison, relating to safety belts.

HB 714, introduced by Representatives Cauthorn and Jones (89), relating to publication of the state manual.

HB 715, introduced by Representatives White, Schoeller, Davis, Reiboldt and Lichtenegger, relating to labor organizations.

HB 716, introduced by Representatives Wyatt, Holsman, McNeil, Colona, Brown (85) and Nolte, relating to renewable energy resources in state parks.

HB 717, introduced by Representative Zerr, relating to automated external defibrillators.

HB 718, introduced by Representative Marshall, relating to the uniform limited liability company act.

HB 719, introduced by Representatives Higdon, Solon, Allen, Kelly (24), Fuhr, Lauer, Torpey, Lant, Tilley, Silvey, Wieland, Klippenstein, Taylor, Peters-Baker, Jones (89), Richardson, Schad, Lichtenegger, Long, Scharnhorst, Colona, Conway (27), Wells, Koenig, Lair, Houghton, Dieckhaus, Johnson and Nolte, relating to liquor control.

HB 720, introduced by Representative Parkinson, relating to the transparency in private attorney contracts act.

HB 721, introduced by Representative Schneider, relating to foreclosure sales.

HB 722, introduced by Representative Schneider, relating to sewerage and water services.

WITHDRAWAL OF HOUSE BILLS

February 14, 2011

Speaker of the House Steven Tilley
State Capitol, Room 308A

Honorable Speaker,

I respectfully request that **House Bill No. 353** be withdrawn from the Insurance Policy Committee. The Committee on Fiscal Oversight recently discovered that this bill is a duplicate of an already existing piece of legislation that requires an insurance producer's license to be suspended, revoked, or denied issuance or renewal if the producer fails to pay personal property taxes, county real estate taxes, or income taxes. I appreciate your time and consideration.

Sincerely,

/s/ Zachary R. Wyatt
Representative
Missouri's 2nd House District

March 1, 2011

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

Dear Adam,

I wish to withdraw **House Bill No. 626**.

Thank you.

Sincerely,

/s/ Sheila Solon
Representative
District 55

The following member's presence was noted: Talboy.

ADJOURNMENT

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

COMMITTEE MEETINGS

AGRI-BUSINESS

Thursday, March 3, 2011, North Gallery upon morning adjournment.
Executive session may be held on any matter referred to the committee.

BUDGET

Wednesday, March 2, 2011, 8:00 AM House Hearing Room 3.
Executive session may be held on any matter referred to the committee.
Continuation of Appropriations Committee amendments to be reviewed in the following order of Committees: Education; General Administration; Transportation and Economic Development; Agriculture and Natural Resources; Public Safety and Corrections; Health, Mental Health and Social Services.

CANCELLED

CHILDREN AND FAMILIES

Wednesday, March 2, 2011, 8:00 AM House Hearing Room 1.
Public hearing will be held: HB 565, HB 483
Executive session may be held on any matter referred to the committee.

CORRECTIONS

Wednesday, March 2, 2011, 5:00 PM House Hearing Room 1.
Executive Session will be held: HB 38, HB 200, HB 340
Executive session may be held on any matter referred to the committee.

CRIME PREVENTION AND PUBLIC SAFETY

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

Public hearing will be held: HB 544, HB 337, HB 317, HB 93

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

DOWNSIZING STATE GOVERNMENT

Thursday, March 3, 2011, 8:30 AM House Hearing Room 4.

Public hearing will be held: HB 437, HB 202

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

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, March 2, 2011, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 628, HB 639, HB 511

FISCAL REVIEW

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

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

Any bills referred to the committee.

GENERAL LAWS

Thursday, March 3, 2011, 8:00 AM House Hearing Room 2.

Public hearing will be held: HB 258, HB 546

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

Please note the addition of HB 546.

AMENDED

HEALTH CARE POLICY

Wednesday, March 2, 2011, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 300, HB 328, HB 334, HB 387

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

HEALTH INSURANCE

Thursday, March 3, 2011, House Hearing Room 1 upon morning adjournment.

Executive session will be held: HB 475

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

INTERNATIONAL TRADE AND JOB CREATION

Wednesday, March 2, 2011, 5:00 PM House Hearing Room 7.

Public hearing will be held: HCR 22

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

JUDICIARY

Wednesday, March 2, 2011, 12:00 PM House Hearing Room 1.

Public hearing will be held: HB 254, HB 255, HB 427

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

LOCAL GOVERNMENT

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

Public hearing will be held: HB 400, HB 145, HB 566, HB 188, HB 542, HB 498

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

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, March 2, 2011, House Hearing Room 5.

12:00 PM, or upon morning adjournment if after 12:00 PM.

Public hearing will be held: HB 591, HB 347

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

RETIREMENT

Thursday, March 3, 2011, 8:00 AM House Hearing Room 1.

Public hearing will be held: HB 305, HB 448

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

RURAL COMMUNITY DEVELOPMENT

Thursday, March 3, 2011, South Gallery upon morning adjournment.

Executive session will be held: HJR 17

SMALL BUSINESS

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

Public hearing will be held: HB 386

Executive session will be held: HB 68, HB 86, HB 211

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

SPECIAL STANDING COMMITTEE ON DISABILITY SERVICES

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

Public hearing will be held: HB 555, HB 604

Executive session will be held: HB 411, HB 421

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

SPECIAL STANDING COMMITTEE ON REDISTRICTING

Wednesday, March 2, 2011, 3:00 PM.

Mexico Chamber of Commerce, 100 West Jackson St., Mexico 65265.

Public hearing will be held: HB 193

Public Testimony on establishing new Congressional District boundaries.

SPECIAL STANDING COMMITTEE ON REDISTRICTING

Thursday, March 3, 2011, 6:00 PM.

Three Rivers Community College, Westover Building A201, 202, 203, Poplar Bluff 63901.

Public hearing will be held: HB 193

Public Testimony on establishing new Congressional District boundaries.

SPECIAL STANDING COMMITTEE ON REDISTRICTING

Friday, March 4, 2011, 2:00 PM.

St. Louis County Administration Building, Council Chambers, 41 South Central, Clayton 63105.

Public hearing will be held: HB 193

Public Testimony on establishing new Congressional district boundaries.

TOURISM AND NATURAL RESOURCES

Thursday, March 3, 2011, 8:00 AM House Hearing Room 7.

Public hearing will be held: HB 578, HB 545, HJR 15

Executive session will be held: HB 98

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

TRANSPORTATION FUNDING AND PUBLIC INSTITUTIONS

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

Public hearing will be held: HB 416, HB 324, HB 354, HB 484, HB 548

Executive session will be held: HCR 23

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

WAYS AND MEANS

Thursday, March 3, 2011, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 26, HB 144, HB 549

Executive session will be held: HB 222, HB 408, HB 506

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

HOUSE CALENDAR

THIRTY-SECOND DAY, WEDNESDAY, MARCH 2, 2011

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 34

HOUSE BILLS FOR SECOND READING

HB 709 through HB 722

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HJR 14 - Cox
- 2 HJR 2 - McGhee
- 3 HJR 6 - Cierpiot

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 136 - Day
- 2 HB 167 - Nolte
- 3 HCS HB 214 - Zerr
- 4 HCS HB 329 - Diehl
- 5 HCS HBs 116 & 316 - Flanigan
- 6 HCS HB 213 - Jones (89)
- 7 HCS HB 108 - Smith (150)
- 8 HCS HBs 112 & 285 - Day
- 9 HCS HB 174 - Thomson

HOUSE BILLS FOR PERFECTION - INFORMAL

HCS HB 91 - Nolte

HOUSE BILLS FOR PERFECTION - CONSENT

(3/2/2011)

- 1 HCS HB 83 - Nolte
- 2 HB 109 - Wells
- 3 HB 127 - Barnes
- 4 HB 137 - Thomson
- 5 HB 142 - Gatschenberger
- 6 HB 149 - Day
- 7 HB 151 - Kelly (24)
- 8 HB 153 - Black
- 9 HB 171 - Ruzicka
- 10 HB 184 - Dugger
- 11 HB 186 - Entlicher
- 12 HB 189 - Ruzicka
- 13 HB 190 - Ruzicka
- 14 HB 204 - Hoskins
- 15 HB 217 - Dugger
- 16 HCS HB 250 - Cox
- 17 HCS HB 338 - Pollock
- 18 HCS HB 363 - Colona
- 19 HB 415 - Richardson
- 20 HB 442 - Franz

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING

- 1 HCR 9, (2-1-11, Page 277) - Barnes
- 2 HCR 19, (2-17-11, Pages 392-393) - Gatschenberger

HOUSE BILLS FOR THIRD READING

HCS HB 76, (Fiscal Review 3-1-11) - Nolte

HOUSE CONCURRENT RESOLUTIONS

HCR 7, (2-23-11, Pages 436-437) - Walton Gray