

# JOURNAL OF THE HOUSE

Second Regular Session, 96th GENERAL ASSEMBLY

FOURTH DAY, TUESDAY, JANUARY 10, 2012

The House met pursuant to adjournment.

Speaker Tilley in the Chair.

Prayer by Marilyn Seaton.

Let us pray, Lord, we do not understand the intricate pattern of the stars in their courses, but we know that You Who created them does, and that just as surely as You guide them, You are charting a safe course for us. Amen.

The Pledge of Allegiance to the flag was recited.

## OATH OF OFFICE

Representatives-elect Chrissy Sommer, Judy Morgan, Brandon Ellington and Tracy McCreery advanced to the bar and subscribed to the Oath of Office, which was administered by the Honorable Steven Tilley, Speaker of the Missouri House of Representatives.

Speaker Pro Tem Schoeller assumed the Chair.

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

AYES: 157

Allen	Anders	Asbury	Atkins	Aull
Bahr	Barnes	Bernskoetter	Berry	Black
Brandom	Brattin	Brown 50	Brown 85	Brown 116
Burlison	Carter	Casey	Cauthorn	Cierpiot
Colona	Conway 14	Conway 27	Cookson	Cox
Crawford	Cross	Curtman	Davis	Day
Denison	Dieckhaus	Diehl	Dugger	Ellington
Elmer	Entlicher	Fallert	Fisher	Fitzwater
Flanigan	Fraker	Franklin	Frederick	Fuhr
Funderburk	Gatschenberger	Gosen	Guernsey	Hampton
Harris	Higdon	Hinson	Hodges	Holsman
Hoskins	Hough	Houghton	Hubbard	Hughes
Hummel	Johnson	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelley 126	Kelly 24	Kirkton
Klippenstein	Koenig	Korman	Kratky	Lair
Lampe	Lant	Largent	Lasater	Lauer
Leach	Leara	Lichtenegger	Loehner	Long
Marshall	May	McCaherty	McCann Beatty	McCreery
McDonald	McGeoghegan	McGhee	McManus	McNary
McNeil	Meadows	Molendorp	Montecillo	Morgan

Nance	Nasheed	Neth	Newman	Nichols
Nolte	Oxford	Pace	Parkinson	Phillips
Pierson	Pollock	Quinn	Redmon	Reiboldt
Richardson	Riddle	Rizzo	Rowland	Ruzicka
Sater	Schad	Scharnhorst	Schatz	Schieber
Schieffer	Schneider	Schoeller	Schupp	Shively
Shumake	Sifton	Silvey	Smith 71	Smith 150
Solon	Sommer	Spreng	Still	Stream
Swearingen	Swinger	Talboy	Taylor	Thomson
Torpey	Wallingford	Walton Gray	Webb	Wells
Weter	White	Wieland	Wright	Wyatt
Zerr	Mr Speaker			

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 006

Carlson	Ellinger	Franz	Grisamore	Haefner
Webber				

### **SPECIAL RECOGNITION**

The Troy Buchanan High School Future Farmers of America Teams were introduced by Representative Schieffer and recognized for their participation in the 2011 National Competition.

The Troy Buchanan High School Lady Trojan Softball Team was introduced by Representative Schieffer and recognized for attaining first place in the 2011 Missouri State High School Association Class 4 State Championship.

### **HOUSE RESOLUTIONS**

Representative McGhee offered House Resolution No. 89.

Representative Zerr offered House Resolution No. 93.

Representative Kirkton offered House Resolution No. 106.

### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 90 through House Resolution No. 92

House Resolution No. 94 through House Resolution No. 105

House Resolution No. 107 through House Resolution No. 115

### **HOUSE CONCURRENT RESOLUTION**

Representative Curtman, et al., offered House Concurrent Resolution No. 9.

### **SECOND READING OF HOUSE JOINT RESOLUTIONS**

**HJR 46** and **HJR 47** were read the second time.

## SECOND READING OF HOUSE BILLS

**HB 1197** through **HB 1218** were read the second time.

## INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

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

**HCR 8**, introduced by Representatives Guernsey, Thomson, Ruzicka, Cauthorn, Higdon, Klippenstein, Zerr, Smith (150), Hampton, Dugger and Wells, relating to the disapproval of the Missouri State Tax Commission's recommendations regarding the value for each grade of agricultural and horticultural land based on productive capability.

## INTRODUCTION OF HOUSE JOINT RESOLUTIONS

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

**HJR 48**, introduced by Representatives Phillips, Houghton and Rowland, relating to the conservation commission.

**HJR 49**, introduced by Representatives Brattin, Franz, Kelley (126), McGhee, Bahr, Gatschenberger, Davis, Asbury, Curtman, Pollock, Schad, Fitzwater, Frederick, Schoeller, Koenig, Brown (116), Lichtenegger, Barnes, Cauthorn, Molendorp, Hoskins, White, Smith (150), McCaherty, Leach, Wieland, Houghton, Riddle, Burlison, Lair, Grisamore, Richardson, Long, Guernsey, Redmon, Schatz, Phillips, Allen, Silvey, Franklin, Tilley, Conway (14) and Johnson, relating to the right to bear arms.

**HJR 50**, introduced by Representatives Cauthorn, Reiboldt and Davis, relating to the Veterans' Trust Fund.

**HJR 51**, introduced by Representative Ruzicka, relating to the conservation commission.

**HJR 52**, introduced by Representative Ruzicka, relating to bird, fish, game, wildlife, or forestry resources.

**HJR 53**, introduced by Representative Neth, relating to term limits.

## INTRODUCTION OF HOUSE BILLS

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

**HB 1219**, introduced by Representatives Elmer, Diehl, Fraker, Korman, Long, Schoeller, Fuhr, Richardson, Cox, Hoskins, Jones (117), Guernsey, Crawford, Higdon, Jones (89), McNary and Wallingford, relating to unlawful discriminatory practices.

**HB 1220**, introduced by Representatives Hubbard, Nasheed, Spreng, Kelly (24), Pierson, Schupp, Walton Gray, Pace, Conway (14), Taylor, Colona, Tilley, Cox, Schoeller, Brown (50) and Torpey, relating to a pilot project for increasing children's access to incarcerated mothers.

**HB 1221**, introduced by Representatives Black, Fallert, Harris, Hodges, Swinger, Kratky, McGhee, Molendorp, Long, Kelley (126), Fitzwater and Klippenstein, relating to the designation of a memorial highway.

**HB 1222**, introduced by Representatives Brattin, Kelley (126), Fitzwater, Leach, Wieland, Allen and Davis, relating to the state budget.

**HB 1223**, introduced by Representatives Brattin, Smith (150) and Allen, relating to inmates in correctional facilities.

**HB 1224**, introduced by Representatives Brattin, Kelley (126), Wieland, Lichtenegger and Davis, relating to illegal immigration.

**HB 1225**, introduced by Representatives Brattin, Kelley (126), Smith (150), Wallingford, Davis, McCaherty, Leach, Pollock, Smith (71), Curtman, Johnson and Lichtenegger, relating to members of the general assembly.

**HB 1226**, introduced by Representatives Brattin and Lichtenegger, relating to retirement benefits for members of the general assembly.

**HB 1227**, introduced by Representatives Brattin, McCaherty, Davis, Koenig, Allen and Pollock, relating to standard science instruction.

**HB 1228**, introduced by Representatives Jones (63), Cookson, Dieckhaus, Talboy, Schoeller, Nasheed, Jones (89), Carter and Tilley, relating to charter schools.

**HB 1229**, introduced by Representatives Curtman, Koenig, White and Houghton, relating to public lectures at certain institutions of higher education.

**HB 1230**, introduced by Representatives Schoeller, Reiboldt, Bahr, Lichtenegger, Schad, Rowland, Fuhr, Houghton, Cauthorn, Klippenstein, Lant, Davis, Richardson, White, Kelley (126) and Elmer, relating to labor organizations.

**HB 1231**, introduced by Representatives Cauthorn, Kelly (24), Davis, Fitzwater and Day, relating to state purchasing.

**HB 1232**, introduced by Representatives McManus, Newman and Hummel, relating to online identity theft.

**HB 1233**, introduced by Representatives McManus, Hummel, Hodges, Carter, Conway (27), Newman, Fallert, Black, Oxford and Torpey, relating to tax credits for donated food.

**HB 1234**, introduced by Representatives Berry and Kelley (126), relating to personal flotation devices.

**HB 1235**, introduced by Representatives Berry, Brattin, Fitzwater, Cierpiot, Redmon, Asbury, Torpey and Molendorp, relating to election authority duties.

**HB 1236**, introduced by Representatives Entlicher, Dugger, Diehl and Schupp, relating to third party candidates.

**HB 1237**, introduced by Representatives Nance and Brown (50), relating to the sale of lottery tickets.

**HB 1238**, introduced by Representatives Nance, Kelley (126), Oxford and Barnes, relating to eligibility for food stamps.

**HB 1239**, introduced by Representatives Nance, Wells, Bahr, McCaherty and Wieland, relating to real property taxation.

**HB 1240**, introduced by Representatives Pace, Carter, Jones (63), Hubbard, McGeoghegan, Spreng, Walton Gray, Taylor, Colona, Kirkton, Schupp, Carlson, McNeil, Schieffer, Hummel, May, Smith (71), Ellinger, Pierson, Oxford, Atkins, Montecillo, Anders, Brown (50), Webb, Casey, Tilley, Swearingen, Stream, Higdon, Denison and Brown (116), relating to use of credit scores by prospective employers.

**HB 1241**, introduced by Representatives Wells, Pollock, Dugger, Rowland, Davis, Weter, Denison, Entlicher, Neth and Brown (116), relating to excursion gambling boat admission fees.

**HB 1242**, introduced by Representative Day, relating to the motorcycle rider training course.

**HB 1243**, introduced by Representatives Lauer, Zerr, Diehl, Torpey, Brown (116) and Lair, relating to job training programs.

**HB 1244**, introduced by Representatives Lauer, Zerr, Diehl, Torpey, Brown (116) and Lair, relating to municipal technology business facility projects.

**HB 1245**, introduced by Representatives Lauer, Zerr, Diehl, Torpey, Brown (116) and Lair, relating to the Missouri quality jobs act.

**HB 1246**, introduced by Representatives Lauer, Zerr, Diehl, Torpey, Brown (116) and Lair, relating to job development.

**HB 1247**, introduced by Representatives Webber, Carter, Schupp and Still, relating to license plates for members of the general assembly.

**HB 1248**, introduced by Representative Webber, relating to designation of tax refunds to the Missouri veterans' medical research trust fund.

**HB 1249**, introduced by Representative Franz, relating to property taxation.

**HB 1250**, introduced by Representatives Ruzicka, Dugger and Sater, relating to primary elections.

**HB 1251**, introduced by Representative Ruzicka, relating to fees imposed for the enforcement of the federal Safe Drinking Water Act.

**HB 1252**, introduced by Representative Ruzicka, relating to making a false report.

**HB 1253**, introduced by Representative Ruzicka, relating to imposing costs of investigation and prosecution of criminal cases on defendants.

**HB 1254**, introduced by Representative Ruzicka, relating to the agritourism promotion act.

**HB 1255**, introduced by Representatives Lant and Gatschenberger, relating to a surcharge on recreational activities for emergency services purposes.

### COMMITTEE APPOINTMENTS

January 10, 2012

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

Dear Mr. Crumbliss:

Due to the ongoing nature of the work of the Interim Committee on Government Oversight and Accountability, I hereby dissolve the interim committee and create the Special Standing Committee on Government Oversight and Accountability in the Missouri House of Representatives and have appointed the following members:

Representative Jay Barnes – Chair  
Representative Sheila Solon  
Representative Jason Smith  
Representative Thomas Long  
Representative Jeanette Mott Oxford  
Representative Jason Kander

Representative Mark Parkinson – Vice Chairman  
Representative Ryan Silvey  
Representative Tom Flanigan  
Representative Todd Richardson  
Representative Rory Ellinger  
Representative Chris Kelly

Sincerely,

/s/ Steven Tilley  
Speaker

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December 22, 2011

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

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Scott Dieckhaus as a member of the Committee on Higher Education and appoint Representative Chrissy Sommer as a member.

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

Sincerely,

/s/ Steven Tilley  
Speaker of the House

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December 22, 2011

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

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Dave Hinson as a member of the Committee on Local Government and appoint Representative Chrissy Sommer as a member.

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

Sincerely,

/s/ Steven Tilley  
Speaker of the House

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December 22, 2011

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

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Noel Torpey as a member of the Committee on Downsizing State Government and appoint Representative Chrissy Sommer as a member.

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

Sincerely,

/s/ Steven Tilley  
Speaker of the House

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December 22, 2011

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

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Noel Torpey as a member of the Committee on Fiscal Review and appoint Representative Chrissy Sommer as a member.

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

Sincerely,

/s/ Steven Tilley  
Speaker of the House

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January 4, 2012

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

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Ray Weter as a member of the Committee on Retirement and appoint Representative Chrissy Sommer as a member.

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

Sincerely,

/s/ Steven Tilley  
Speaker of the House

## COMMUNICATION

January 10, 2012

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

Dear Mr. Crumbliss:

Pursuant to Section 105.461 of the Revised Statutes of Missouri, this letter is to advise I am hereby filing a written report with your office of a possible personal interest on which the House of Representatives may vote on during the legislative session. I have a son who is employed with the Missouri Department of Corrections; and some of the issues, bills and amendments that I will be voting on could have a direct impact on my family.

I request that you please publish this letter in the Journal of the House. Thanking you in advance, I remain

Sincerely yours,

/s/ Paul Quinn  
State Representative  
District 9

The following members' presence was noted: Grisamore, Haefner and Webber.

## ADJOURNMENT

On motion of Representative Jones (89), the House adjourned until 10:00 a.m., Wednesday, January 11, 2012.

## COMMITTEE MEETINGS

### APPROPRIATIONS - EDUCATION

Tuesday, January 17, 2012, 1:00 PM House Hearing Room 1.  
Morenet/Teach for America public testimony.  
Please call Gregg at 751-2917 to schedule a public testimony time slot.

### APPROPRIATIONS - EDUCATION

Wednesday, January 18, 2012, 2:00 PM House Hearing Room 1.  
Public testimony continued.  
Please call Gregg at 751-2917 to schedule a public testimony time slot.

### APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, January 11, 2012, 8:45 AM North Gallery.  
Organizational meeting and discussion of veteran homes.

#### BUDGET

Wednesday, January 11, 2012, House Hearing Room 3 Upon Morning Adjournment.

Public hearing will be held: HJR 43

Executive Session will be held: HJR 43

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

#### DOWNSIZING STATE GOVERNMENT

Wednesday, January 11, 2012, 9:00 AM House Hearing Room 5.

Executive Session will be held: HB 1135, HB 1140

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

#### ELEMENTARY AND SECONDARY EDUCATION

Wednesday, January 18, 2012, 8:00 AM House Hearing Room 6.

Public hearing will be held: HB 1043

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

#### HIGHER EDUCATION

Wednesday, January 25, 2012, 8:00 AM House Hearing Room 6.

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

This meeting will be a joint meeting of the Higher Education Committee and the Joint Committee on Education to hear the annual report from the Midwest Higher Education Compact.

#### INSURANCE POLICY

Monday, January 23, 2012, 5:00 PM House Hearing Room 1.

Presentation by MOCIA, Captive Insurance Agencies

#### INTERIM COMMITTEE ON GOVERNMENT OVERSIGHT AND ACCOUNTABILITY

Thursday, January 19, 2012, 12:30 PM House Hearing Room 5.

CORRECTED

#### JOINT COMMITTEE ON EDUCATION

Wednesday, January 25, 2012, 8:00 AM House Hearing Room 6.

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

This meeting will be a joint meeting of the Joint Committee on Education and the Higher Education Committee to hear the annual report from the Midwest Higher Education Compact.

#### JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Tuesday, January 17, 2012, 1:00 PM House Hearing Room 3.

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

Forum to discuss I-70. Committee will hear public testimony.

Discussion and executive session will be held on Heroes Way Application/PFC Matthew England.

CORRECTED

#### JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Wednesday, January 18, 2012, 1:00 PM House Hearing Room 3.

Continuation of forum to discuss I-70. Committee will hear public testimony.

JOINT COMMITTEE ON URBAN AGRICULTURE

Tuesday, January 24, 2012, 12:00 PM House Hearing Room 7.

Presentations from:

Dr. Dickson Despommier, Columbia University

Jim Godsil, Co-Founder Sweet Water Organics

Emmanuel Pratt, Executive Director Sweet Water Foundation

Myles Harston, AquaRanch

JUDICIARY

Wednesday, January 11, 2012, House Hearing Room 1 Upon Morning Adjournment.

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

ORGANIZATIONAL MEETING.

**HOUSE CALENDAR**

FIFTH DAY, WEDNESDAY, JANUARY 11, 2012

**HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING**

HCR 8

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 48 through HJR 53

**HOUSE BILLS FOR SECOND READING**

HB 1219 through HB 1255