

# JOURNAL OF THE HOUSE

Second Regular Session, 96th GENERAL ASSEMBLY

ELEVENTH DAY, TUESDAY, JANUARY 24, 2012

The House met pursuant to adjournment.

Speaker Pro Tem Schoeller in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

*Be still and know that god is. (Psalm 46:10)*

Eternal God, so high above us that we cannot comprehend You and yet so deep within us that we cannot escape You, make Yourself real to us as we pray today.

Tired are we of our littleness and we pray that You will lift us into the fellowship of great minds. Tired are we of our thoughts of discouragement and pray that You will lift us into the companionship of great hearts - that in these relationships our faith may be renewed, our hope strengthened, and our courage confirmed.

Bless these Representatives as they wait upon You. May they be wise with Your wisdom, strong with your power, and faithful in Your faithfulness to them. According to our needs, may the riches of Your grace enter the hearts of every one of us.

And 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: Sarah Bentley.

The Journal of the tenth day was approved as printed.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 334 through House Resolution No. 361

## SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 23** was read the second time.

## SECOND READING OF HOUSE JOINT RESOLUTIONS

**HJR 67** and **HJR 68** were read the second time.

**SECOND READING OF HOUSE BILLS**

**HB 1450** through **HB 1467** were read the second time.

**PERFECTION OF HOUSE BILL**

**HB 1135**, relating to a State Administrative Rules Review, was taken up by Representative Smith (150).

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

Representative Richardson raised a point of order that **House Amendment No. 1** is in violation of Rule 46(d).

The Chair ruled the point of order well taken.

On motion of Representative Smith (150), **HB 1135** was ordered perfected and printed by the following vote:

AYES: 105

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	Fisher	Fitzwater	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	Riddle	Rowland
Ruzicka	Sater	Schad	Scharnhorst	Schatz
Schieber	Schneider	Schoeller	Shumake	Silvey
Smith 150	Solon	Sommer	Stream	Thomson
Torpey	Wallingford	Wells	Weter	White
Wieland	Wright	Wyatt	Zerr	Mr Speaker

NOES: 054

Anders	Atkins	Aull	Black	Brown 50
Carlson	Carter	Casey	Colona	Conway 27
Ellington	Fallert	Harris	Hodges	Holsman
Hubbard	Hughes	Hummel	Jones 63	Kelly 24
Kirkton	Kratky	Lampe	May	McCann Beatty
McCreery	McDonald	McGeoghegan	McManus	McNeil
Montecillo	Morgan	Nasheed	Newman	Nichols
Oxford	Pace	Pierson	Quinn	Rizzo

Schieffer	Schupp	Shively	Sifton	Smith 71
Spreng	Still	Swearingen	Swinger	Talboy
Taylor	Walton Gray	Webb	Webber	

PRESENT: 000

ABSENT WITH LEAVE: 004

Ellinger	Flanigan	Kander	Meadows
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## REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

**HB 1135** - Fiscal Review

**HB 1220** - Urban Issues

## COMMITTEE REPORTS

**Committee on Elections**, Chairman Dugger reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 1036**, 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.

Mr. Speaker: Your Committee on Elections, to which was referred **HB 1059**, 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.

Mr. Speaker: Your Committee on Elections, to which was referred **HB 1104**, 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 Retirement**, Chairman Leara reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **HB 1039**, 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 **HB 1277**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Transportation**, Chairman Denison reporting:

Mr. Speaker: Your Committee on Transportation, to which was returned **HB 1155**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2 - Federal Mandate**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**Committee on Veterans**, Chairman Day reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 1099**, 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.

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 1100**, 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.

Mr. Speaker: Your Committee on Veterans, to which was referred **HB 1105**, 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 Workforce Development and Workplace Safety**, Chairman Fisher reporting:

Mr. Speaker: Your Committee on Workforce Development and Workplace Safety, to which was referred **HB 1219**, 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 69**, introduced by Representatives Funderburk and Koenig, relating to taxation.

### **INTRODUCTION OF HOUSE BILLS**

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

**HB 1468**, introduced by Representatives Higdon, Klippenstein, Bernskoetter, Funderburk and Johnson, relating to peace officer safety alerts.

**HB 1469**, introduced by Representatives Cross, Schoeller, Redmon, Houghton, Denison, McGhee, Molendorp, Scharnhorst, Fraker, Brown (116), Crawford, Bandom, McCaherty, Long, Davis, Hampton, Wells, Schad, Lauer, Brown (50), Hough, Bernskoetter, Reiboldt, Franklin, Phillips, Weter, Korman and Gatschenberger, relating to small claims actions.

**HB 1470**, introduced by Representatives Taylor, Torpey, McGeoghegan, McCann Beatty, Cookson, Lant, Sater, Nichols, Spreng, Kirkton, Largent, Carter, Webb, Wyatt, Harris, Pace, Hubbard, Montecillo, Anders, Schupp, Meadows, Rizzo, Hoskins, Hummel and McNeil, relating to the reporting of child abuse and neglect.

**HB 1471**, introduced by Representatives Frederick, Lichtenegger, Sater, Allen, Hinson, White, McNeil, Hodges, Pace, Kirkton and Kelley (126), relating to tuberculosis testing.

**HB 1472**, introduced by Representatives Carter, Jones (63), Dieckhaus, Hummel, Colona, Lampe, Aull, McNeil, Nasheed, McCann Beatty, Newman, Kirkton, Nichols, Smith (71), Hughes, May, Morgan, Carlson, Montecillo, Webb, Still and Ellinger, relating to teacher retirement.

**HB 1473**, introduced by Representatives Jones (117), Richardson, Cierpiot, Elmer and Diehl, relating to driver's license suspensions.

**HB 1474**, introduced by Representatives Hubbard, Carter, Brown (50), Ellington, Colona, May, Spreng, Walton Gray, Pace, Pierson, Nasheed and Hughes, relating to elimination of the inmate intervention fee.

**HB 1475**, introduced by Representatives Cross, Brown (116), Lauer, Reiboldt, McCaherty, Fraker, Redmon, Lant, Weter, Korman, Hampton, McCreery, McNeil, Gatschenberger, Hodges, Pace, Jones (63), Frederick, Nance, Barnes and Fitzwater, relating to tanning facilities.

**HB 1476**, introduced by Representatives Leara and Zerr, relating to the sole purpose of freight forwarding.

**HB 1477**, introduced by Representatives Brown (116), Guernsey, Houghton and Jones (89), relating to grain purchases.

**HB 1478**, introduced by Representatives Still, Newman, Oxford, Pace, McNeil, McCreery, Schupp, Carlson and Kelly (24), relating to cigarette and tobacco taxes.

**HB 1479**, introduced by Representatives Schieffer, Oxford, Smith (71), Walton Gray, McNeil, Jones (63) and McGeoghegan, relating to landlord's disclosure of the presence of mold.

**HB 1480**, introduced by Representatives Schieffer, Oxford, Pierson and McGeoghegan, relating to telephone calls.

**HB 1481**, introduced by Representatives Schieffer, Klippenstein, Wells, Houghton, Fallert, Weter, Korman, Sater, McGhee, Quinn, Shively, Redmon, Loehner, Black, Bernskoetter, Ruzicka, Dugger, Day, Wright, Guernsey, Swinger, Aull, Franklin, Smith (150), Fitzwater, Crawford, Hough and Hinson, relating to exhibition of livestock and domestic animals at fairs, exposes, and pet shows.

**HB 1482**, introduced by Representatives Schieffer, Gatschenberger, Houghton, Pierson, McGeoghegan and Fallert, relating to unlawful possession of a firearm.

**HB 1483**, introduced by Representatives Schieffer, Johnson, Wells, Houghton, Gatschenberger, Pierson and McGeoghegan, relating to concealed carry endorsements.

**HB 1484**, introduced by Representatives McCaherty and Nolte, relating to electronic notifications and forms from the department of revenue.

**HB 1485**, introduced by Representatives Parkinson, Conway (14), Funderburk and Nance, relating to candidate qualifications.

**HB 1486**, introduced by Representative Nasheed, relating to cigarette taxes.

**HB 1487**, introduced by Representatives Pollock, Wells, Diehl, Flanigan, Riddle, Ruzicka and Dugger, relating to renewable energy.

**HB 1488**, introduced by Representatives Pollock, Schad, Wells, Riddle, Ruzicka, Crawford and Dugger, relating to the regulation of public utilities.

**HB 1489**, introduced by Representatives McCaherty, Cross, Neth, Fitzwater, Berry, McGhee, Lichtenegger, Casey, Zerr, Wright, Nance, Rizzo, Burlison, Holsman, Carter, Grisamore, Smith (150), Nasheed, Nolte, Wieland, Meadows, Atkins and Rowland, relating to property taxation.

**HB 1490**, introduced by Representatives Frederick, Kirkton, White, Carter, Pace, Sifton, Sater, Houghton and Nance, relating to the credentialing and payment of health care practitioners by health insurers.

**HB 1491**, introduced by Representatives Haefner, Higdon, Conway (14), Solon, Lichtenegger, Lasater, Tilley, Cookson, Berry, Brown (85), Reiboldt, Allen, Brandom, Brown (116), Shumake and Bahr, relating to the reporting of child abuse and neglect.

**HB 1492**, introduced by Representatives Molendorp and Brattin, relating to county municipal courts.

**HB 1493**, introduced by Representatives Fraker and Lant, relating to prevailing wages.

**MESSAGE FROM THE GOVERNOR**

January 23, 2012

**REORGANIZATION PLAN NO. 1  
2012**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 1 of 2012, by Executive Order 12-2, to transfer all Medicaid Program audit and compliance responsibilities from the Department of Health and Senior Services, and the Department of Mental Health, and assign them to the Department of Social Services.

Respectfully submitted,

/s/ Jeremiah W. (Jay) Nixon  
Governor

**EXECUTIVE ORDER  
12-2**

WHEREAS, the Department of Social Services, established pursuant to Article IV, Section 37 of the Missouri Constitution, is the single state agency responsible for the administration of the Missouri Medicaid Title XIX, SCHIP Title XXI, and Medicaid Waiver programs; and

WHEREAS, the Department of Health and Senior Services, established pursuant to Section 192.005, RSMo, is responsible for public health and aging issues, including administration of the Personal Care and Home and Community-Based Medicaid programs for the aged and disabled; and

WHEREAS, the Department of Mental Health, established pursuant to Article IV, Section 37(a) of the Missouri Constitution, is responsible for issues and programs related to mental disorders, developmental disabilities, and substance abuse; and

WHEREAS, the Missouri Medicaid Audit and Compliance Unit (MMAC) was established in January 2011, within the Department of Social Services, to oversee audit and compliance of Missouri Medicaid Program providers and participants; and

WHEREAS, the MMAC is responsible for detecting, investigating, and preventing fraud against the Missouri Medicaid Program; and

WHEREAS, all Medicaid Program audit and compliance appropriations were transferred from the Department of Social Services' MO HealthNet Division, Department of Health and Senior Services, and the Department of Mental Health to the Department of Social Services MMAC unit in Fiscal Year 2012 by the General Assembly; and

WHEREAS, the work of MMAC has already resulted in the doubling of recoupment of provider overpayments in its first reporting quarter compared with the same quarter in previous years; and

WHEREAS, consolidation of Missouri's Medicaid Title XIX, SCHIP Title XXI and Medicaid Waiver programs' provider enrollment, audit and compliance responsibilities will promote consistent guidance to providers participating in these programs; and

WHEREAS, I am committed to prudently consolidating executive branch operations to ensure that the state delivers vital services in the most efficient and effective manner possible.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, do hereby order the Department of Health and Senior Services, the Department of Mental Health, and the Department of Social Services to cooperate to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of all remaining audit and compliance responsibilities relating to Medicaid Title XIX, SCHIP Title XXI, and Medicaid Waiver programs from the Department of Health and Senior Services and the Department of Mental Health to the Department of Social Services, by Type I transfer, as defined under the Reorganization Act of 1974.
2. Develop mechanisms and processes necessary to effectively transfer these duties and functions to the Department of Social Services.
3. Transfer the responsibility for staff support for these duties and functions to the Department of Social Services.
4. Take the steps necessary to maintain compliance with federal requirements, so as not to jeopardize federal financial participation with this consolidation.

This Order shall become effective August 28, 2012, unless disapproved within sixty days of its submission to the Second Regular Session of the 96th General Assembly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 23<sup>rd</sup> day of January, 2012.

/s/ Jeremiah W. (Jay) Nixon  
Governor

ATTEST:

/s/ Robin Carnahan  
Secretary of State

## WITHDRAWAL OF HOUSE BILL

January 23, 2012

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

Dear Mr. Crumbliss:

I am requesting that my **House Bill No. 1237** be withdrawn. Thank you for your time and consideration in this matter.

Sincerely,

/s/ Bob Nance  
State Representative

The following members' presence was noted: Flanigan and Meadows.

### **ADJOURNMENT**

On motion of Representative Jones (89), the House adjourned until 10:00 a.m., Wednesday, January 25, 2012.

### **COMMITTEE MEETINGS**

#### **APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Wednesday, January 25, 2012, 2:00 PM House Hearing Room 4.  
Continuation of the Conservation Budget presentation, if needed.  
Proposal on the possible funding of a new meat lab for the University of Missouri.  
Agriculture Budget presentation.

#### **APPROPRIATIONS - EDUCATION**

Wednesday, January 25, 2012, 2:00 PM House Hearing Room 1.  
DESE Budget presentation.

#### **APPROPRIATIONS - GENERAL ADMINISTRATION**

Wednesday, January 25, 2012, House Hearing Room 3 Upon Morning Adjournment.  
Budget presentations on Public Debt and Office of Administration Debt.

#### **APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES**

Wednesday, January 25, 2012, 2:00 PM House Hearing Room 5.  
Executive session may be held on any matter referred to the committee.  
DMH overview/presentation, followed by inquiry.  
No meal will be provided. Please plan accordingly.

#### **APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES**

Thursday, January 26, 2012, 8:00 AM House Hearing Room 3.  
Executive session may be held on any matter referred to the committee.  
Continuation of DMH hearing from Wednesday, January 25 (if necessary).

#### **APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS**

Wednesday, January 25, 2012, 2:00 PM House Hearing Room 6.  
Executive session may be held on any matter referred to the committee.  
Public Safety Budget.

CANCELLED

#### **APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT**

Wednesday, January 25, 2012, 2:00 PM House Hearing Room 7.  
DOLIR budget presentation.

#### CHILDREN AND FAMILIES

Wednesday, January 25, 2012, 8:00 AM House Hearing Room 1.  
Public hearing will be held: HB 1187, HB 1258, HB 1259, HB 1260  
Executive session may be held on any matter referred to the committee.

#### CRIME PREVENTION AND PUBLIC SAFETY

Wednesday, January 25, 2012, 12:00 PM House Hearing Room 4.  
Public hearing will be held: HB 1252, HB 1125  
Executive session may be held on any matter referred to the committee.

#### ELEMENTARY AND SECONDARY EDUCATION

Wednesday, January 25, 2012, 8:00 AM House Lounge.  
Public hearing will be held: HB 1174, HB 1228  
Executive session may be held on any matter referred to the committee.  
CORRECTED

#### FINANCIAL INSTITUTIONS

Wednesday, February 1, 2012, 7:00 PM, 2125 Missouri Blvd., Jefferson City, MO.  
Committee dinner.

#### FISCAL REVIEW

Wednesday, January 25, 2012, 8:30 AM House Hearing Room 5.  
Executive session may be held on any matter referred to the committee.

#### HEALTH CARE POLICY

Wednesday, January 25, 2012, 12:00 PM House Hearing Room 6.  
Public hearing will be held: HB 1058, HB 1123, HB 1075  
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.

#### INTERNATIONAL TRADE AND JOB CREATION

Wednesday, January 25, 2012, 5:00 PM House Hearing Room 7.  
Public hearing will be held: HB 1147, HB 1185, HB 1186  
Executive session may be held on any matter referred to the committee.

#### 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.

#### JUDICIARY

Wednesday, January 25, 2012, 12:00 PM House Hearing Room 1.

Public hearing will be held: HB 1165, HB 1166, HB 1256, HB 1137, HB 1253

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

#### LOCAL GOVERNMENT

Wednesday, January 25, 2012, 8:00 AM House Hearing Room 3.

Public hearing will be held: HB 1037, HB 1210, HB 1143, HB 1255, HB 1177

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

CORRECTED

#### PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, January 25, 2012, House Hearing Room 5 Upon Morning Adjournment or 12 PM.

Public hearing will be held: HB 1193, HB 1372

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

#### RETIREMENT

Thursday, January 26, 2012, 8:00 AM House Hearing Room 1.

Public hearing will be held: HB 1226, HB 1138

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

CANCELLED

#### SPECIAL STANDING COMMITTEE ON DISABILITY SERVICES

Monday, January 30, 2012, 1:00 PM House Hearing Room 7.

Public hearing will be held: HB 1077

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

#### SPECIAL STANDING COMMITTEE ON RENEWABLE ENERGY

Wednesday, January 25, 2012, 3:30 PM House Hearing Room 3.

Public hearing will be held: HB 1076, HB 1302

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

Presentation from Missouri American Water on successful renewable energy projects.

Public hearing to follow.

#### TOURISM AND NATURAL RESOURCES

Thursday, January 26, 2012, 8:00 AM House Hearing Room 7.

Public hearing will be held: HCR 13, HB 1191, HB 1251

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

#### URBAN ISSUES

Wednesday, February 1, 2012, House Hearing Room 5 Upon Morning Adjournment.

Public hearing will be held: HB 1220, HB 1344

**HOUSE CALENDAR**

TWELFTH DAY, WEDNESDAY, JANUARY 25, 2012

**HOUSE JOINT RESOLUTIONS FOR SECOND READING**

HJR 69

**HOUSE BILLS FOR SECOND READING**

HB 1468 through HB 1493

**HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 1140 - Smith (150)
- 2 HB 1135, (Fiscal Review 1-24-12) - Smith (150)