

JOURNAL OF THE HOUSE

Second Regular Session, 96th GENERAL ASSEMBLY

TWELFTH DAY, WEDNESDAY, JANUARY 25, 2012

The House met pursuant to adjournment.

Speaker Tilley in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

Why are thou cast down, O my soul? And why art thou disquieted in me - hope thou in God. (Psalm 42:5)

Eternal God, from Whom our spirits come, with Whom they live and unto Whom they return when life on earth is over - in the quiet of this moment we humbly lift our hearts unto You in prayer. We believe in You with all our minds - do make Yourself known to us in our hearts. Grant unto us a song on our lips in the morning, strength for the day, good will for one another, a steadfast loyalty to our country, courage to maintain high ideals in our political life, and a faith that gives us confidence and helps us to overcome the evil in the world.

Give to us an inner spirit of hospitality to that which is high in life and send us forth masters of ourselves because we are mastered by You. By Your spirit of truth alive within us, may we be among that company of Your children who lift up the world and do not lean upon it, and who leave it a better place in which to live.

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: Lauren Smith and Paula Booth.

The Journal of the eleventh day was approved as printed.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 362 through House Resolution No. 378

HOUSE CONCURRENT RESOLUTION

Representative Newman, et al., offered House Concurrent Resolution No. 24.

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 69 was read the second time.

SECOND READING OF HOUSE BILLS

HB 1468 through **HB 1493** were read the second time.

Representative Nolte assumed the Chair.

COMMITTEE REPORT

Committee on Fiscal Review, Chairman Stream reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 1135**, begs leave to report it has examined the same and recommends that it **Do Pass**.

THIRD READING OF HOUSE BILLS

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

On motion of Representative Smith (150), **HB 1135** was read the third time and passed by the following vote:

AYES: 102

Allen	Asbury	Bahr	Bernskoetter	Berry
Brandom	Brattin	Brown 85	Brown 116	Burlison
Cauthorn	Cierpiot	Conway 14	Cookson	Cox
Crawford	Cross	Curtman	Davis	Denison
Dieckhaus	Diehl	Dugger	Elmer	Entlicher
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
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			

NOES: 057

Anders	Atkins	Aull	Black	Brown 50
Carlson	Carter	Casey	Colona	Conway 27
Ellinger	Ellington	Fallert	Harris	Hodges
Holsman	Hubbard	Hughes	Hummel	Jones 63
Kander	Kelly 24	Kirkton	Kratky	Lampe
May	McCann Beatty	McCreery	McDonald	McGeoghegan

McManus	McNeil	Meadows	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

Barnes	Day	Largent	Mr Speaker
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Representative Nolte declared the bill passed.

HCS HB 1140, relating to the Missouri Accountability Portal, was taken up by Representative Smith (150).

On motion of Representative Smith (150), **HCS HB 1140** was read the third time and passed by the following vote:

AYES: 113

Allen	Asbury	Bahr	Bernskoetter	Berry
Brandom	Brattin	Brown 50	Brown 85	Brown 116
Burlison	Casey	Cauthorn	Cierpiot	Conway 14
Cookson	Cox	Crawford	Curtman	Davis
Denison	Dieckhaus	Diehl	Dugger	Elmer
Entlicher	Fisher	Fitzwater	Flanigan	Fraker
Franklin	Frederick	Gatschenberger	Gosen	Grisamore
Guernsey	Haefner	Hampton	Higdon	Hinson
Holsman	Hoskins	Hough	Houghton	Johnson
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelley 126	Kelly 24	Klippenstein	Koenig	Korman
Kratky	Lair	Lampe	Lant	Lasater
Lauer	Leach	Lichtenegger	Loehner	Long
Marshall	McCaherty	McCann Beatty	McNary	Molendorp
Montecillo	Nance	Nasheed	Neth	Nolte
Parkinson	Phillips	Pollock	Redmon	Reiboldt
Richardson	Riddle	Rizzo	Rowland	Ruzicka
Sater	Schad	Scharnhorst	Schatz	Schieber
Schneider	Schoeller	Shumake	Sifton	Silvey
Smith 150	Solon	Sommer	Still	Stream
Talboy	Taylor	Thomson	Torpey	Wallingford
Webber	Wells	White	Wieland	Wright
Wyatt	Zerr	Mr Speaker		

NOES: 042

Anders	Atkins	Aull	Black	Carlson
Carter	Colona	Conway 27	Ellinger	Ellington
Fallert	Harris	Hodges	Hubbard	Hughes
Hummel	Kirkton	May	McCreery	McDonald
McGeoghegan	McGhee	McManus	McNeil	Meadows
Morgan	Newman	Nichols	Oxford	Pace

Pierson	Quinn	Schieffer	Schupp	Shively
Smith 71	Spreng	Swearingen	Swinger	Walton Gray
Webb	Weter			

PRESENT: 001

Leara

ABSENT WITH LEAVE: 007

Barnes	Cross	Day	Franz	Fuhr
Funderburk	Largent			

Representative Nolte declared the bill passed.

REFERRAL OF HOUSE JOINT RESOLUTION

The following House Joint Resolution was referred to the Committee indicated:

HJR 39 - Elections

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 1032 - Professional Registration and Licensing
HB 1033 - Health Care Policy
HB 1040 - Transportation
HB 1062 - Elementary and Secondary Education
HB 1084 - Veterans
HB 1088 - Judiciary
HB 1108 - Utilities
HB 1114 - Local Government
HB 1150 - Transportation
HB 1157 - Elementary and Secondary Education
HB 1179 - Rural Community Development
HB 1188 - Health Care Policy
HB 1194 - Agriculture Policy
HB 1195 - Agriculture Policy
HB 1198 - Workforce Development and Workplace Safety
HB 1215 - Tax Reform
HB 1225 - General Laws
HB 1274 - Health Care Policy
HB 1280 - Professional Registration and Licensing
HB 1286 - Judiciary
HB 1295 - Transportation
HB 1308 - Financial Institutions
HB 1316 - Utilities
HB 1317 - General Laws

HB 1319 - General Laws
HB 1326 - General Laws
HB 1327 - Children and Families
HB 1331 - Retirement
HB 1332 - Utilities
HB 1337 - Elementary and Secondary Education
HB 1339 - Health Insurance
HB 1349 - Financial Institutions
HB 1361 - Utilities
HB 1369 - General Laws
HB 1373 - Local Government
HB 1385 - Children and Families
HB 1402 - Transportation
HB 1404 - Agriculture Policy
HB 1425 - Elementary and Secondary Education
HB 1435 - Economic Development
HB 1442 - Elections
HB 1444 - Emerging Issues in Animal Agriculture
HB 1457 - Elections

COMMITTEE REPORTS

Committee on Health Care Policy, Chairman Sater reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **HB 1075**, 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 Veterans, Chairman Day reporting:

Mr. Speaker: Your Committee on Veterans, to which was referred **HJR 45**, 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 70, introduced by Representatives Schoeller, Jones (89), Shumake, Wieland, Allen, Franz, Keeney, Davis, Richardson, Dieckhaus, Curtman and Koenig, relating to education.

INTRODUCTION OF HOUSE BILLS

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

HB 1494, introduced by Representatives Schoeller, Allen, Funderburk, Smith (150), Solon, Cox, White, Bahr, McGhee, Schad and Leach, relating to entities receiving state funds.

HB 1495, introduced by Representatives Nance, Conway (14), Cauthorn, Wright and Wieland, relating to the reporting of insurance fraud.

HB 1496, introduced by Representatives Hubbard, Kelly (24), Spreng, Carter, Pace, Colona, Meadows, Smith (71), Pierson, Carlson, Webb, Nasheed, Atkins and Oxford, relating to eliminating the death penalty.

HB 1497, introduced by Representatives Hubbard, Taylor, Spreng, Pace, Pierson, Smith (71), Kratky, Webb, Nasheed and Oxford, relating to the parent time for Missouri program.

HB 1498, introduced by Representatives Hough and Hinson, relating to sales of intoxicating liquor.

HB 1499, introduced by Representatives Webber, Kander, Schupp, Kelly (24) and Lampe, relating to military leave for public employees.

HB 1500, introduced by Representatives Webber, Zerr, Schneider, Weter, Newman, Still, McCreery, Nichols, Webb, Schupp, Holsman, Brown (50), Oxford, Kirkton, McManus, Carter, Hughes, Lampe, Kratky, Fallert, Montecillo, Pierson, McDonald, McCann Beatty, Sifton, Atkins, Meadows, Hummel, Spreng, May, Walton Gray, Pace, Rizzo, Jones (63), Talboy, Kelly (24), Nasheed, McNeil, Conway (27), Colona, Smith (71), Carlson, Taylor, Ellinger, Hubbard, Wyatt, McGeoghegan, Morgan, Kander, Aull, Hodges, Casey, Ellington, Swearingen and Shively, relating to discrimination based on sexual orientation or gender identity.

HB 1501, introduced by Representatives Jones (117), Webber, Hoskins, Cierpiot, Richardson, Zerr, Still and Kelly (24), relating to the establishment of a commission on workforce preparedness.

HB 1502, introduced by Representatives Jones (117), Kelly (24), Richardson, Korman, Long, Elmer, Barnes, Schatz, Webber and Still, relating to the higher education capital fund.

HB 1503, introduced by Representatives Pace, Ellinger, Pierson, McCreery, Webb, Carter, Nasheed, Still, Shively, Quinn, Colona, Denison, Brattin, Smith (71), Taylor, Talboy, Atkins, Hubbard, Hodges, Jones (63), Walton Gray, Oxford, McGeoghegan, Ellington, Kirkton, May, Spreng, Nichols, Swearingen, Schupp, Meadows and Montecillo, relating to assault of a utility worker or an employee of a mass transit system.

HB 1504, introduced by Representative Richardson, relating to sales taxes.

HB 1505, introduced by Representatives Richardson and Elmer, relating to the records of regularly conducted activity as evidence law.

HB 1506, introduced by Representative Schad, relating to requiring health benefit plans to establish equal out-of-pocket requirements for oral anticancer medications and intravenously administered chemotherapy medications.

HB 1507, introduced by Representative Webb, relating to student participation in extracurricular activities.

HB 1508, introduced by Representatives Webb, Carter, Lampe, Shively, Aull, Nasheed, Casey, Meadows, McGeoghegan, Oxford, Ellington, Pollock, Leara, Parkinson, Jones (63), Funderburk, Taylor, Korman, Hodges, McDonald, Pierson, McManus, Ellinger, Schieffer, Swinger and Montecillo, relating to the sale of cottage foods.

HB 1509, introduced by Representative Stream, relating to the treatment of eating disorders.

HB 1510, introduced by Representatives Riddle, Denison, Long, Hinson, Schieffer, Fallert, Conway (27), McDonald, Kelly (24), Torpey, Meadows and Kratky, relating to regulation of motor carriers.

HB 1511, introduced by Representatives Schieffer, Gatschenberger, Fallert, Denison, Hough, Hinson, Stream, Fisher and Meadows, relating to temporary motorcycle permits.

HB 1512, introduced by Representatives Curtman, Jones (89), Koenig, Leach, Funderburk, Lichtenegger, Brattin, Conway (14), Guernsey, Bahr, Kelley (126), Richardson, Zerr, Gatschenberger, Shumake, Bernskoetter, Brown (85), Asbury, Houghton, Dugger, Smith (150), Wieland, Schatz and Scharnhorst, relating to the laws of other countries.

HB 1513, introduced by Representatives Franz, Loehner and Schad, relating to animal rights.

HB 1514, introduced by Representative Wieland, relating to series limited liability companies.

HB 1515, introduced by Representatives Schad, Torpey, Sommer, Higdon and Cierpiot, relating to crimes against the elderly.

HB 1516, introduced by Representatives Schad, Pollock, Hummel, Colona, Lampe, Bernskoetter, Anders, Hough and Hinson, relating to the crime of assaulting a utility worker.

HB 1517, introduced by Representatives Nolte, Smith (71), Koenig and McGeoghegan, relating to military medallions, medals, and certificates.

HB 1518, introduced by Representatives Grisamore, Scharnhorst, Brandom, Talboy, Richardson, Colona, Wells, Pollock, Montecillo, Kelly (24), Rizzo, Hummel, Kratky, Taylor, Carter, Jones (63), Lampe, Schoeller, Stream, Lauer, Solon, Houghton, Meadows, Fallert, Wright, Ellinger, Taylor, Atkins, Oxford, Anders, Swearingen, McGeoghegan, Schieffer, Harris, Webb, Carter, Lair, Lichtenegger, Riddle and Walton Gray, relating to licensure of behavior analysts.

HB 1519, introduced by Representative McGhee, relating to charter schools.

HB 1520, introduced by Representatives McGhee, Lasater, Wieland, Berry, Kelly (24), Rizzo, Meadows, Webb, Morgan, McCreery, Atkins, Nasheed, Hughes, Talboy, Spreng, Carter, Quinn, Shively, Hubbard, Jones (63), Swearingen, Pace, Walton Gray, McNeil, McDonald, Carlson, Hodges, Sommer, Hummel, Stream, Brown (50), Ellington, Schupp, Kirkton, Montecillo, Oxford, Taylor, Pierson, Webber, Ellinger, Smith (71), McCann Beatty, McGeoghegan and Lant, relating to repealing the death penalty.

HB 1521, introduced by Representatives Sommer, White, Zerr, Taylor, Parkinson, Smith (150), Gatschenberger, Solon, Funderburk and Lichtenegger, relating to property tax bills.

HB 1522, introduced by Representatives Meadows, Montecillo, Kratky, Fallert, Newman, McGeoghegan, Grisamore, Hummel, Conway (27), Casey and Schieffer, relating to licensure of behavior analysts.

HB 1523, introduced by Representatives Meadows and Newman, relating to technical codes.

HB 1524, introduced by Representatives Phillips and Rowland, relating to the improvement and maintenance of private roads.

HB 1525, introduced by Representatives Fuhr, Ellinger, McGeoghegan, Schad and Riddle, relating to criminal offenders under the supervision of the department of corrections.

COMMUNICATION

January 25, 2012

D. Adam Crumbliss, Chief Clerk
Missouri House of Representatives
201 W. Capitol Ave.
Jefferson City, MO 65101

RE: Possible Conflict of Interest

Dear Mr. Crumbliss:

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

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

Thank you for your attention to this matter.

Sincerely,

/s/ Lyle Rowland
District 143

The following member's presence was noted: Day.

ADJOURNMENT

On motion of Representative Jones (89), the House adjourned until 10:00 a.m., Thursday, January 26, 2012.

COMMITTEE MEETINGS

AGRICULTURE POLICY

Tuesday, January 31, 2012, 12:00 PM House Hearing Room 6.
Public hearing will be held: HB 1324
Executive session may be held on any matter referred to the committee.
There will be a presentation on the Missouri River flooding issues.

APPROPRIATIONS - EDUCATION

Tuesday, January 31, 2012, 2:00 PM House Hearing Room 1.
DESE Budget continued/DHE Budget presentation.

APPROPRIATIONS - GENERAL ADMINISTRATION

Monday, January 30, 2012, 12:00 PM House Hearing Room 3.
Budget presentation.
Testifying agencies: Office of Administration Operations, Fringe Benefits, and Attached Programs

APPROPRIATIONS - GENERAL ADMINISTRATION

Monday, January 30, 2012, 5:00 PM or Upon Afternoon Adjournment House Hearing Room 3.
Budget presentation.
Testifying agencies: Office of Administration Operations, Fringe Benefits and Attached Programs

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 1, 2012, House Hearing Room 3 Upon Morning Adjournment.
Budget presentation.
Testifying agency: Public Defender Commission

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

Tuesday, January 31, 2012, 2:00 PM House Hearing Room 3.
Public Safety Budget will be discussed first, and, if time allows, Corrections Budget will be discussed.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 1, 2012, 2:00 PM House Hearing Room 6.
Public Safety Budget will continue if needed and proceed with Corrections Budget.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Wednesday, February 1, 2012, 2:30 PM House Hearing Room 7.

MoDOT budget presentation.

FINANCIAL INSTITUTIONS

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

Committee dinner.

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.

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

THIRTEENTH DAY, THURSDAY, JANUARY 26, 2012

HOUSE JOINT RESOLUTIONS FOR SECOND READING

HJR 70

HOUSE BILLS FOR SECOND READING

HB 1494 through HB 1525