

JOURNAL OF THE HOUSE

Second Regular Session, 96th GENERAL ASSEMBLY

SEVENTEENTH DAY, THURSDAY, FEBRUARY 2, 2012

The House met pursuant to adjournment.

Representative Long in the Chair.

Prayer by Representative Jeff Grisamore.

Heavenly Father, we thank You for Your word that says we can find grace and receive mercy to help us in our time of need. We ask You for Your mercy and grace upon the state of Missouri.

We thank You for the privilege to serve You through serving the citizens of Missouri.

We pray according to Colossians 1:9-10 that You would fill us with the knowledge of Your will through all spiritual wisdom and understanding, that we may live a life worthy of You and please You in every way, bearing fruit in every good work and growing in the knowledge of You and being strengthened with all power according to Your glorious might so that we may have great endurance and patience.

We pray for Your continual guidance and wisdom as we serve the people of Missouri. Amen.

The Pledge of Allegiance to the flag was recited.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 530 through House Resolution No. 548

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 73 was read the second time.

SECOND READING OF HOUSE BILLS

HB 1588 through **HB 1629** were read the second time.

REFERRAL OF HOUSE RESOLUTION

The following House Resolution was referred to the Committee indicated:

HR 333 - Judiciary

REFERRAL OF HOUSE CONCURRENT RESOLUTIONS

The following House Concurrent Resolutions were referred to the Committee indicated:

HCR 7 - General Laws

HCR 11 - Agri-Business

REFERRAL OF HOUSE JOINT RESOLUTIONS

The following House Joint Resolutions were referred to the Committee indicated:

HJR 44 - Special Standing Committee on Judicial Reform

HJR 70 - Elementary and Secondary Education

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 1053 - Economic Development

HB 1071 - Crime Prevention and Public Safety

HB 1133 - Elementary and Secondary Education

HB 1176 - Economic Development

HB 1201 - Elementary and Secondary Education

HB 1206 - Elementary and Secondary Education

HB 1216 - Higher Education

HB 1224 - International Trade and Job Creation

HB 1240 - Workforce Development and Workplace Safety

HB 1248 - Veterans

HB 1264 - Transportation

HB 1271 - Agri-Business

HB 1272 - Corrections

HB 1278 - Children and Families

HB 1285 - Utilities

HB 1288 - Judiciary

HB 1334 - Crime Prevention and Public Safety

HB 1345 - Transportation Funding and Public Institutions

HB 1348 - Elementary and Secondary Education

HB 1359 - Special Standing Committee on Government Oversight and Accountability

HB 1367 - Workforce Development and Workplace Safety

HB 1371 - Professional Registration and Licensing

HB 1376 - Financial Institutions

HB 1378 - Transportation

HB 1381 - Ways and Means

HB 1387 - Elementary and Secondary Education

HB 1390 - Workforce Development and Workplace Safety

HB 1399 - Professional Registration and Licensing
HB 1400 - Financial Institutions
HB 1441 - Workforce Development and Workplace Safety
HB 1453 - Local Government
HB 1458 - Local Government
HB 1459 - Elementary and Secondary Education
HB 1467 - Higher Education
HB 1473 - Judiciary
HB 1475 - Health Care Policy
HB 1477 - Agri-Business
HB 1493 - Economic Development
HB 1495 - Insurance Policy
HB 1497 - Elementary and Secondary Education
HB 1505 - Judiciary
HB 1512 - Judiciary
HB 1539 - Elementary and Secondary Education
HB 1549 - General Laws

COMMITTEE REPORTS

Committee on Financial Institutions, Chairman Wells reporting:

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **HB 1192**, 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 Tourism and Natural Resources, Chairman Ruzicka reporting:

Mr. Speaker: Your Committee on Tourism and Natural Resources, to which was referred **HCR 13**, 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. 13

WHEREAS, the rivers and streams of the State of Missouri are a great natural resource and benefit to the citizens of Missouri and the aquatic life therein; and

WHEREAS, these rivers and streams run through the heartland and fertile bottom lands that produce our abundant food supply and provide a large part of our agricultural income; and

WHEREAS, the farmers and landowners who have lived and farmed along these stream banks for generations have the right to protect and preserve their precious soil so as to protect and continue their way of life; and

WHEREAS, these streams need to be managed in a manner that is beneficial to the stream's aquatic life as well as the farmer's interest in protecting private property, financial interest, and ability to feed their family and yours; and

WHEREAS, the federal and state agencies in charge of regulating in-stream activities, including stream bank stabilization, gravel removal and excavation, vegetation removal, or a combination thereof, are basing their decisions

and practice approval on policy developed not on scientific study but solely on their priorities determined by these agencies and their commenting groups; and

WHEREAS, the federal and state agencies as well as their commenting groups that are in charge of protecting the aquatic life and environment of these streams and rivers should base their decisions and practices on unbiased scientific studies that take into account all aspects of these streams, including flood control, soil conservation, gravel buildup, and the aquatic life, and not undertake actions to achieve policy goals; and

WHEREAS, these federal agencies as well as their commenting groups should place as much importance on our farmers' fields, private property, and precious soils as the aquatic life in these streams:

NOW THEREFORE BE IT RESOLVED that the members of the House of Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate concurring therein, hereby encourage our Governor and our Missouri Congressional delegation to demand these agencies review all policy decisions on in-stream activity, thereby promoting the use of sound scientific research and data that is produced from unbiased studies; and

BE IT FURTHER RESOLVED that our Missouri Congressional delegation demand federal and state agencies as well as their commenting groups base past and future decisions and practices involving any stream activity inside the high banks on unbiased scientific university studies along with practices that have been proven effective over generations of landowner implementing; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the United States Army Corps of Engineers, the Bureau of Land Management and the Fish and Wildlife Service within the United States Department of Interior, the United States Environmental Protection Agency, the United States Department of Agriculture, the Missouri Congressional delegation, Governor Jay Nixon, the Missouri Department of Conservation, the Missouri Department of Agriculture, and the Missouri Department of Natural Resources.

Mr. Speaker: Your Committee on Tourism and Natural Resources, to which was referred **HB 1251**, 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.

INTRODUCTION OF HOUSE BILL - APPROPRIATIONS

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

HB 2014, introduced by Representative Silvey, to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2012.

INTRODUCTION OF HOUSE BILLS

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

HB 1630, introduced by Representative Franz, relating to the highways and transportation commission.

HB 1631, introduced by Representatives Walton Gray, McCreery, Newman, Pace, Nichols, Hubbard, McGeoghegan, Spreng, Zerr, Schad, Oxford, Jones (63), Brown (50), May, Shively, Aull, Cookson and Carter, relating to dating violence education in secondary schools.

HB 1632, introduced by Representatives Walton Gray, Jones (117), Pace, McGeoghegan, Atkins, Oxford, Colona, Ellinger, Brown (50), Meadows, Hubbard, Swearingen, Carlson, McDonald, Kratky, Fallert, McCreery, Still, Black, Riddle, Quinn, Long, Nichols, Lasater, Fraker, Cierpiot, Lant and Cross, relating to vacation leave for state employees.

HB 1633, introduced by Representatives Walton Gray, Colona and Ellinger, relating to delinquent real estate payments.

HB 1634, introduced by Representative Ruzicka, relating to the recycling of newspapers.

HB 1635, introduced by Representatives Still, McManus, Black, Fallert, Wallingford, Ellinger, Smith (71), Swinger, Wright, Sifton, Carter, Hummel, Webb, McGhee, Stream, Higdon, Phillips and Webber, relating to Missouri state humane association special license plate.

HB 1636, introduced by Representatives Fuhr, Jones (89), McNary, Haefner, Ellinger, Brown (85), Sifton, Funderburk, Colona, Pace, Stream, Koenig, Bahr and Smith (71), relating to the election of courts to hear violations of municipal ordinances.

HB 1637, introduced by Representatives Curtman, Koenig, Bahr, Higdon, Schatz, Brattin, Wyatt, Burlison, McNary, Kelley (126) and Fuhr, relating to legal tender.

HB 1638, introduced by Representatives Curtman, Parkinson, Koenig, Bahr and Brattin, relating to ordinances adopted by political subdivisions regulating firearms.

HB 1639, introduced by Representatives Nolte, Allen, Neth, Conway (14), Nance, Shumake, Koenig and Brown (85), relating to the taxation of business income.

HB 1640, introduced by Representatives Denison, Meadows, Cookson, Shumake, Rowland, Long, Fallert, McDonald, Schieffer and Conway (27), relating to motor vehicle dealers.

HB 1641, introduced by Representatives Pollock, Denison, Wells, Holsman, Nasheed, Molendorp, Loehner and Entlicher, relating to an American Red Cross special license plate.

HB 1642, introduced by Representatives Fitzwater and Black, relating to minimum pay for certain corrections employees.

HB 1643, introduced by Representatives Fitzwater, Black, Shumake, Oxford and Lasater, relating to state employee salary increases.

HB 1644, introduced by Representative Barnes, relating to the licensing period for certain licenses issued by the Missouri gaming commission.

HB 1645, introduced by Representative Fisher, relating to expungement.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SB 464**, entitled:

An act to amend chapter 376, RSMo, by adding thereto one new section relating to the authority for creating and operating health insurance exchanges in Missouri, with a referendum clause.

In which the concurrence of the House is respectfully requested.

COMMITTEE CHANGE

February 2, 2012

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

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Melissa Leach as a member of the Committee on Workforce Development and Workplace Safety and appoint Representative Gary Fuhr.

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

Sincerely,

/s/ Steven Tilley
Speaker of the Missouri House of Representatives

The following members' presence was noted: Allen, Anders, Atkins, Bahr, Barnes, Berry, Black, Bandom, Brown (116), Burlison, Carlson, Carter, Casey, Cierpiot, Colona, Conway (14), Conway (27), Cookson, Cox, Crawford, Cross, Curtman, Denison, Dieckhaus, Dugger, Ellinger, Ellington, Fallert, Fisher, Fitzwater, Flanigan, Fraker, Franz, Fuhr, Gatschenberger, Gosen, Guernsey, Haefner, Hampton, Harris, Higdon, Hodges, Holsman, Houghton, Hubbard, Hughes, Hummel, Johnson, Jones (63), Jones (89), Jones (117), Kelley (126), Kelly (24), Kirkton, Koenig, Korman, Kratky, Lair, Lampe, Lant, Largent, Lasater, Leach, Loehner, Marshall, McCann Beatty, McCreery, McDonald, McGhee, McNary, McNeil, Meadows, Molendorp, Montecillo, Morgan, Nasheed, Neth, Newman, Nichols, Oxford, Pace, Pollock, Quinn, Redmon, Reiboldt, Riddle, Rizzo, Rowland, Ruzicka, Schad, Scharnhorst, Schatz, Schieber, Schieffer, Schneider, Shumake, Sifton, Silvey, Smith (71), Smith (150), Solon, Sommer, Spreng, Still, Stream, Swearingen, Taylor, Thomson, Tilley, Torpey, Wallingford, Walton Gray, Wells, Weter, White, Wyatt and Zerr.

ADJOURNMENT

On motion of Representative Long, the House adjourned until 4:00 p.m., Monday, February 6, 2012.

COMMITTEE MEETINGS

AGRICULTURE POLICY

Tuesday, February 7, 2012, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 1404

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

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Tuesday, February 7, 2012, 2:00 PM House Hearing Room 4.

DNR Budget presentation (continued).

Public testimony will be heard. If you would like to testify, please notify Eric Jacquin by calling (573) 721-9458 or sending an e-mail to Eric.Jacquin@house.mo.gov.

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, February 8, 2012, 2:00 PM House Hearing Room 4.

Discussion of horse processing in Missouri.

Department of Conservation Budget presentation (continued).

Public testimony will be heard. If you would like to testify, please notify Eric Jacquin by calling (573) 721-9458 or sending an e-mail to Eric.Jacquin@house.mo.gov.

APPROPRIATIONS - EDUCATION

Tuesday, February 7, 2012, 2:00 PM House Hearing Room 1.

Analyst markup sheets.

APPROPRIATIONS - EDUCATION

Wednesday, February 8, 2012, 2:00 PM House Hearing Room 1.

Analyst markup sheets continued.

APPROPRIATIONS - GENERAL ADMINISTRATION

Monday, February 6, 2012, 12:00 PM House Hearing Room 3.

Budget presentation.

Testifying Officials and/or Agencies: Lieutenant Governor; Attorney General; General Assembly; Judiciary.

NOTE: Due to scheduling conflicts, the Lieutenant Governor will not be in attendance until mid-hearing. All other officials and agencies should be prepared to testify at any point during the hearing. Should any testimony not be completed by 3:15 PM, committee will recess and reconvene the hearing upon adjournment of the House.

APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, February 7, 2012, 12:00 PM House Hearing Room 3.

Budget presentation.

Testifying Officials and/or Agencies: Governor (Chief of Staff); Treasurer; Secretary of State.

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 8, 2012, Upon Adjournment of Budget Committee House Hearing Room 3.

Budget presentation.

Testifying Officials and/or Agencies: Auditor; Tax Commission; Lottery Commission; Department of Revenue.

NOTE: Due to scheduling conflicts, hearing will commence shortly after adjournment of the Budget hearing that day.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, February 7, 2012, 2:00 PM House Hearing Room 3.

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

Markup for Public Safety and Corrections.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 8, 2012, 2:00 PM House Hearing Room 6.

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

Markup for Public Safety and Corrections.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 7, 2012, 8:00 AM House Hearing Room 3.

DED Budget presentation (may require continuation in afternoon meeting).

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 7, 2012, 2:00 PM House Hearing Room 7.

DED Budget presentation continuation (if necessary).

ECONOMIC DEVELOPMENT

Tuesday, February 7, 2012, 5:00 PM House Hearing Room 7.

Work session - no public testimony.

ELECTIONS

Tuesday, February 7, 2012, 8:15 AM House Hearing Room 5.

Public hearing will be held: HB 1236, HB 1340, HB 1365

Executive session will be held: HB 1059, HB 1060, HB 1106, HB 1457, HJR 41, HB 1442

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

GENERAL LAWS

Tuesday, February 7, 2012, 12:00 PM House Hearing Room 4.

Public hearing will be held: HB 1513, HB 1318, HB 1317

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

HEALTH CARE POLICY

Wednesday, February 8, 2012, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 1541

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

INSURANCE POLICY

Monday, February 6, 2012, 5:00 PM House Hearing Room 1.

Public hearing will be held: HB 1144, HB 1113

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

RETIREMENT

Monday, February 6, 2012, 2:00 PM House Hearing Room 5.

Public hearing will be held: HB 1226, HB 1139

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

RULES - PURSUANT TO RULE 25(32)(F)

Monday, February 6, 2012, 3:00 PM House Hearing Room 2.

Executive session will be held: HCS HCR 3, HCR 13, HJR 45, HB 1075, HB 1093, HB 1141, HB 1156, HB 1179, HB 1185, HCS HBs 1186 & 1147, HB 1250, HB 1251, HB 1269, HCS HBs 1298 & 1180, HCS HB 1311, HCS HB 1329, HCS HB 1370

SPECIAL STANDING COMMITTEE ON DISABILITY SERVICES

Monday, February 6, 2012, 2:00 PM House Hearing Room 6.

Public hearing will be held: HB 1518, HB 1522

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

SPECIAL STANDING COMMITTEE ON JUDICIAL REFORM

Tuesday, February 7, 2012, 2:00 PM House Hearing Room 6.

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

Presentation from the Missouri Supreme Court and Judge Mary Russell.

SPECIAL STANDING COMMITTEE ON RENEWABLE ENERGY

Monday, February 13, 2012, 1:00 PM House Hearing Room 5.

Public hearing will be held: HB 1305, HB 1487

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

TAX REFORM

Wednesday, February 8, 2012, 8:00 AM House Hearing Room 5.

Public hearing will be held: HB 1356, HB 1215

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

TAX REFORM

Monday, February 13, 2012, 7:00 PM, 516 S Country Club, JC.

Presentation

URBAN ISSUES

Monday, February 6, 2012, Upon Evening Adjournment House Hearing Room 5.

Public hearing will be held: HB 1273, HB 1466

Executive Session will be held: HB 1220, HB 1344

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

VETERANS

Tuesday, February 7, 2012, 8:00 AM House Hearing Room 1.

Public hearing will be held: HB 1303, HB 1098, HCR 12, HB 1128, HB 1347, HB 1517

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

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Monday, February 6, 2012, 12:00 PM House Hearing Room 6.

Public hearing will be held: HB 1131

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

HOUSE CALENDAR

EIGHTEENTH DAY, MONDAY, FEBRUARY 6, 2012

HOUSE BILLS FOR SECOND READING - APPROPRIATIONS

HB 2014

HOUSE BILLS FOR SECOND READING

HB 1630 through HB 1645

HOUSE BILLS FOR PERFECTION

- 1 HB 1104 - Schoeller
- 2 HB 1219 - Elmer
- 3 HCS HB 1277 - Long

HOUSE BILLS FOR PERFECTION - CONSENT

(1/31/2012)

- 1 HB 1036 - Dugger
- 2 HB 1039 - Leara
- 3 HB 1099 - Fitzwater
- 4 HB 1100 - Fitzwater
- 5 HB 1105 - Day

SENATE BILLS FOR SECOND READING

SS SB 464