

JOURNAL OF THE HOUSE

First Regular Session, 97th GENERAL ASSEMBLY

THIRD DAY, MONDAY, JANUARY 14, 2013

The House met pursuant to adjournment.

Speaker Jones in the Chair.

Prayer by Msgr. Robert A. Kurwicki, Chaplain.

A faithful man shall abound with blessings. (Proverbs 28:20)

Eternal God, we rejoice in the glory of a new day of transitions and in the beginning of another week. During this period of history in state leadership which always brings about changes, causes some to hope and some to be shaken, we would use this hallowed moment of prayer to be assured of Your presence and to tap the spiritual resources we need as we face the pressing duties of these hours.

May we feel Your spirit leading us as we make our decisions, may we possess Your power which holds us steady amid the constant pressures of daily life, and may our trust in You deliver us from those tensions which would tear us to pieces, and from those worries which would wear us out. All through this Inauguration Day may we think our best, do our best, and be our best, and be worthy of our calling to this high office.

Hasten the day when justice and love shall rule the hearts of all and reign in the lives of all people.

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: Sawyer Lincoln Richardson, Katherine Jones, Abigail Jones and Grace Allen.

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

AYES: 153

Allen	Anderson	Austin	Bahr	Barnes
Bernskoetter	Berry	Black	Brattin	Brown
Burlison	Burns	Butler	Carpenter	Cierpiot
Colona	Conway 10	Conway 104	Cookson	Cornejo
Cox	Crawford	Cross	Curtis	Davis
Diehl	Dohrman	Dugger	Dunn	Ellinger
Ellington	Elmer	English	Englund	Entlicher
Fitzpatrick	Fitzwater	Flanigan	Fowler	Fraker
Frame	Franklin	Frederick	Funderburk	Gannon
Gardner	Gatschenberger	Gosen	Guernsey	Haahr
Haefner	Hampton	Hansen	Harris	Hicks
Higdon	Hinson	Hough	Houghton	Hummel
Hurst	Johnson	Jones 50	Justus	Keeney

Kelley 127	Kelly 45	Kirkton	Koenig	Kolkmeier
Korman	Kratky	LaFaver	Lair	Lant
Lauer	Leara	Lichtenegger	Love	Lynch
Marshall	Mayfield	McCaherty	McCann Beatty	McDonald
McGaugh	McKenna	McManus	McNeil	Meredith
Messenger	Miller	Mims	Mitten	Molendorp
Montecillo	Morgan	Morris	Muntzel	Neely
Neth	Newman	Nichols	Norr	Otto
Pace	Parkinson	Pfautsch	Phillips	Pierson
Pike	Pogue	Redmon	Rehder	Reiboldt
Remole	Rhoads	Richardson	Riddle	Rizzo
Roorda	Ross	Rowden	Rowland	Runions
Scharnhorst	Schatz	Schieber	Schieffer	Schupp
Shull	Shumake	Smith 85	Smith 120	Solon
Sommer	Spencer	Stream	Swan	Swearingen
Thomson	Torpey	Walker	Walton Gray	Webb
Webber	White	Wieland	Wilson	Wood
Wright	Zerr	Mr Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 008

Anders	Curtman	Engler	Grisamore	Hodges
Hoskins	Hubbard	May		

VACANCIES: 002

Speaker Pro Tem Smith assumed the Chair.

OATH OF OFFICE

Members of the Missouri House of Representatives advanced to the bar and re-subscribed to the oath of office, which was administered by the Honorable Jason Smith, Speaker Pro Tem of the House.

HOUSE RESOLUTION

Representative Gosen offered House Resolution No. 56.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 38 through House Resolution No. 55
House Resolution No. 57

HOUSE CONCURRENT RESOLUTION

Representative Pfautsch, et al., offered House Concurrent Resolution No. 7.

SECOND READING OF HOUSE JOINT RESOLUTION

HJR 8 was read the second time.

SECOND READING OF HOUSE BILLS

HB 141 through **HB 149** and **HB 151** through **HB 155** were read the second time.

MESSAGE FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has appointed the following committee to act with a like committee from the House pursuant to **SCR 1**.

Senators: Curls, Dempsey, Holsman, Justus, Keaveny, Kehoe, LeVota, McKenna, Nasheed, Nieves, Richard, Rupp, Schaaf, Schaefer, Schmitt, Sifton, Walsh and Wasson.

Speaker Jones resumed the Chair.

JOINT SESSION

The Senate and House of Representatives met in Joint Assembly on the steps of the State Capitol and President Pro Tem Dempsey called the Joint Assembly to order.

Governor-elect Jay Nixon was escorted to his place at the podium by the Legislative Inaugural Committee.

The 135th Army Band, MOARNG, Springfield, Missouri performed.

A welcome was extended by the Honorable Tom Dempsey, President Pro Tem of the Senate.

The Colors were presented by the Joint Service Color Guard.

Cathy Cartier, 2012-2013 Missouri Teacher of the Year, Affton High School, St. Louis, Missouri, led the audience in the Pledge of Allegiance to the flag.

Lieutenant Colonel Regina Kilmer, Missouri National Guard, sang the National Anthem.

The Invocation was offered by Rabbi Amy Feder, Temple Israel, St. Louis, Missouri.

The Honorable Mary R. Russell, Judge of the Supreme Court of Missouri, administered the oath of office to Attorney General-elect Christopher A. Koster.

The Honorable Laura Denvir Stith, Judge of the Supreme Court of Missouri, administered the oath of office to State Treasurer-elect Clint Zweifel.

The Honorable James F. Kanatzar, Judge of the 16th Judicial Circuit Court of Missouri, administered the oath of office to Secretary of State-elect Jason Kander.

The Honorable Zel M. Fischer, Judge of the Supreme Court of Missouri, administered the oath of office to Lieutenant Governor-elect Peter D. Kinder.

The Honorable Rex M. Burlison, Judge of the 22nd Judicial Circuit Court of Missouri, administered the oath of office to Governor-elect Jeremiah W. (Jay) Nixon.

Immediately following the administration of the oath, military honors were rendered to Governor Nixon with the firing of a nineteen-gun salute by the 1st Battalion, 129th Field Artillery Regiment (Truman's Own), MOARNG, Independence, Missouri.

Governor Nixon delivered his Inaugural Address.

INAUGURAL ADDRESS OF JEREMIAH W. (JAY) NIXON
55TH GOVERNOR OF MISSOURI
January 14, 2013

Thank you, Judge Burlison. Thank you, President Pro Tem Dempsey and Speaker Jones.

Let me begin by thanking the people of Missouri for the privilege of serving a second term as your Governor. I am grateful and humbled that once again you have given me the opportunity to lead our state forward. I will honor the trust and confidence you have placed in me each and every day.

I'm joined today by Missouri's First Lady – my lovely wife, Georganne – our sons, Jeremiah and Will, and the rest of our family. I'd like to welcome Missouri's former governors, our statewide office holders, members of the Missouri Supreme Court, legislators and the people of Missouri.

When I first came to the Capitol as a freshman senator from my hometown of De Soto, I was just 30 years old – the youngest person in the Senate. I had the good fortune to serve with many thoughtful, dedicated and capable legislators on both sides of the aisle. Then, as now, Republicans and Democrats were deeply committed to their beliefs. Then, as now, we had a divided state government, with a governor of one party, and the other party holding a majority in the legislature. Disagreement and debate were daily fare.

But it was possible to disagree while continuing to advance the public good. Cooperation wasn't considered a sign of weakness, but rather a prerequisite for progress. And progress is not partisan. We understood that, first and foremost, we were all Missourians.

So no matter which way the pendulum of power might swing, or which way the political winds blew, our bedrock Missouri values of hard work, optimism, faith and compassion never wavered. Those steadfast values have served the people of our state well for generations, and will serve us well for generations to come. Now, some pundits like to say that politics in the Show-Me State has never been more partisan, more difficult than it is today. But as history tells us, that's simply not true.

One hundred and fifty years ago, Missouri was bitterly divided in the struggle for our nation's survival – and its soul. For a time, Missouri had two state governments, two state capitals and two governors. Two state flags fluttered above the boys in blue and gray, the sons of farmers and cobblers, tinkers and slaves. They fought and died on blood-soaked ground from the Bootheel to the Iowa border. They rose with valor and fell with honor at Liberty and Lexington, Carthage and Wilson's Creek, Boonville and Fredericktown.

Our newest state park commemorates the Battle of Island Mound, where the first African-American troops shed their blood for the Union in 1862. Centralia was the site of an infamous massacre, when confederate guerrillas

bushwhacked more than 100 Union soldiers and hacked them to ribbons. Taking part in the killing spree were two young brothers from Clay County: 20-year-old Frank and 16-year-old Jesse James.

Twelve of Missouri's governors served in the military during the Civil War. That's right: twelve. And for years after the war's official end, the suffering, retaliation and political struggles dragged on – crippling our economy, testing our resolve. That my friends? That was hard politics. But from that time forward the arc of Missouri history shows us that even the deepest divisions can be healed.

The people of Missouri are tough and resilient. And generation after generation, a bold vision for the future and a passion for progress spur us forward. We pushed back the wilderness, tilled the prairie and opened the western frontier. We built railroads and highways, founded great universities and hospitals, tamed mighty rivers and even conquered space.

In good times and bad, through hellish drought and high water, the people of Missouri have proved their mettle. And, as we've seen these past few years, when our backs are against the wall, we come together: When the American auto industry was on the ropes in 2009, we pulled together and got it back on its feet. More vehicles made in Missouri means thousands of jobs for hardworking folks in every corner of our state.

In a competitive and volatile global marketplace, we stepped up our game to set all-time records for exports in agriculture, biotech and defense – deals worth billions, creating prosperity at home. When Mother Nature hit our neighbors with ice storms, floods, drought and the most devastating tornado in our history, we rallied to their side. We were there at every step – from rescue to rebuilding. And the strength and resilience of Missourians inspired the world.

History has left its indelible mark on our landscape and our character. But history is not destiny. We do not inherit the future. We must build the future. A future without limits: where all our children get an education that prepares them to compete for the best jobs in the global economy; where the brightest minds in science and technology advance the frontiers of human knowledge; where business and the arts flourish; where the bounty of Missouri's farms and fields will feed, clothe and power the planet; and where the natural beauty of our state is preserved and cherished for all time.

I am more optimistic than ever about our future. We will put our shared principles ahead of our small differences and work together for the common good. The people of Missouri deserve – and expect – no less. And that is how I intend to lead.

Throughout my quarter century of public service, I've had the opportunity to visit with thousands of Missourians from all walks of life, in every corner of this great state. Year after year, I've met them in the halls of this historic Capitol, exercising their First Amendment rights: midwives and math teachers; farmers and firefighters; Muslims and Mennonites; soldiers and Scouts. They may not – and in fact do not – always agree. But they are a vivid reminder that democracy is a chorus of many voices. And our democracy and our state are stronger for it.

On days like this one, I can look out the windows of my office and see the flags of our state and our nation, their colors bright against the winter sky, the wide Missouri River in the distance. It's a beautiful sight. It is a reminder of the bold pioneers who walked this land before us, who explored the wilderness, who dedicated their lives to the creation of a more perfect union, who fought and died so that we might one day enjoy peace and prosperity. I think, too, of the bold pioneers who someday will explore new frontiers beyond our imagining.

Today, I took a solemn oath to serve all the people of Missouri, to do everything in my power to make your lives better, and to make life better for our children and grandchildren. I pledge my oath to the waitress pulling double shifts just to feed and clothe her kids, praying that nobody gets hurt or sick – because she can't afford a doctor's bill.

I pledge my oath to the battle-weary veteran, home from Afghanistan, who deserves a job worthy of his skills and sacrifice. I pledge my oath to the farmer who plows and plants through flood and drought, year in and year out. Hard working, God-fearing, decent folk. I carry them in my heart. Their strength gives me strength. Their courage gives me courage.

And to live a life of service to the people of Missouri is my greatest honor. Our time here is fleeting. But the work we do will endure. Together we can – and we will – build a bright future for the great state of Missouri in the greatest nation on earth.

May God Almighty guide us in our work. Thank you and God bless.

Musical selections were performed by the 135th Army Band, MOARNG, Springfield, Missouri.

The Benediction was given by the Reverend Daniel Hilty, Senior Pastor, First United Methodist Church, Jefferson City, Missouri.

The Colors were retired by the Joint Service Color Guard.

Governor Nixon and Mrs. Nixon were escorted from the platform by the Legislative Inaugural Committee.

The Joint Session was dissolved by President Pro Tem Dempsey.

A musical selection was performed by the 135th Army Band, MOARNG, Springfield, Missouri.

Speaker Jones resumed the Chair.

INTRODUCTION OF HOUSE CONCURRENT RESOLUTION

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

HCR 8, introduced by Representatives Parkinson, Kelley (127), Sommer, Smith (120), Brattin, Solon, Lair, Curtman, Lichtenegger, Franklin, Higdon, Conway (104), Guernsey, Burlison, Fitzwater, Riddle, McCaherty, Gatschenberger and Diehl, relating to the Obama Administration's proposal that the Senate of the United States consider adoption of a United Nations Arms Trade Treaty.

INTRODUCTION OF HOUSE BILLS

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

HB 156, introduced by Representatives Sommer, Kelley (127), Wieland and Muntzel, relating to a prohibition on use of public assistance benefits.

HB 157, introduced by Representative Franklin, relating to violent video games.

HB 158, introduced by Representatives Flanigan, Davis, Reiboldt, Kelley (127) and Lant, relating to disaster areas.

HB 159, introduced by Representative Guernsey, relating to school district residency for children of certain military members.

HB 160, introduced by Representatives Sommer, Berry, Kelley (127), Wilson, Muntzel and Neth, relating to campaign activities near polling places.

HB 161, introduced by Representative Gatschenberger, relating to political subdivisions.

COMMITTEE APPOINTMENT

January 14, 2013

Mr. Adam Crumbliss
Chief Clerk
Missouri House of Representatives
State Capitol, Room 317A
Jefferson City, MO 65101

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby appoint Representative Jeffery Justus as a member of the Committee on Appropriations - General Administration.

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

Very truly yours,

/s/ Timothy W. Jones
Speaker of the House

COMMUNICATION

January 11, 2013

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

Re: Possible Personal Interest in Legislation

Dear Mr. Crumbliss:

Pursuant to Section 105.461, RSMo, I am hereby filing a written report of a possible personal 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, RSMo, please publish this letter in the Journal of the House.

Thank you for your attention to this matter.

Sincerely,

/s/ Paul Fitzwater
State Representative
District 144

The following members' presence was noted: Curtman, Engler, Grisamore, Hodges, Hubbard and May.

ADJOURNMENT

On motion of Representative Diehl, the House adjourned until 10:00 a.m., Tuesday, January 15, 2013.

COMMITTEE HEARINGS

APPROPRIATIONS - EDUCATION

Tuesday, January 15, 2013, 2:00 PM House Hearing Room 1.
Performance Funding presentation from Paul Wagner

APPROPRIATIONS - EDUCATION

Wednesday, January 16, 2013, 2:00 PM House Hearing Room 1.
Higher Education Funding Model presentation from Dr. Stacey Preis

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, January 15, 2013, 9:00 AM House Hearing Room 3.
Executive session may be held on any matter referred to the committee.
Organizational Meeting

ELECTIONS

Tuesday, January 15, 2013, 12:00 PM House Hearing Room 1.
Public hearing will be held: HB 110
Executive session will be held: HB 110
Executive session may be held on any matter referred to the committee.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, January 16, 2013, 8:00 AM House Hearing Room 6.
Organizational Meeting

JUDICIARY

Wednesday, January 16, 2013, 12:00 PM House Hearing Room 1.
Organizational Meeting

RETIREMENT

Thursday, January 17, 2013, 9:00 AM House Hearing Room 1.
Organizational Meeting

RULES

Tuesday, January 15, 2013, 12:00 PM House Hearing Room 5.
Public hearing will be held: HR 31
Executive session will be held: HR 31
Executive session may be held on any matter referred to the committee.
CORRECTED

HOUSE CALENDAR

FOURTH DAY, TUESDAY, JANUARY 15, 2013

HOUSE CONCURRENT RESOLUTIONS FOR SECOND READING

HCR 8 - Parkinson

HOUSE BILLS FOR SECOND READING

HB 156 through HB 161