

JOURNAL OF THE HOUSE

First Regular Session, 96th GENERAL ASSEMBLY

TWENTY-THIRD DAY, TUESDAY, FEBRUARY 15, 2011

The House met pursuant to adjournment.

Speaker Tilley in the Chair.

Prayer by Dr. Steven G. Williams, First Christian Church, Poplar Bluff, MO.

As Jesus reminded those with Him (Matthew 26:41): *"Watch and pray that you may not enter into temptation; the spirit indeed is willing, but the flesh is weak."*

Our most gracious and compassionate Heavenly Father, in this moment when we pause at the beginning of another session of the House, we turn our attention to You, seeking the guidance of Your wisdom, the strength of Your presence, and the undergirding of Your power.

Those of us who have accepted positions of power and authority, whether clergy, politician, teacher, police officer, administrator, or executive, can easily forget our position is first one of responsibility. As Jesus warned us, our minds and our spirits may seek to guide us in paths and decisions that are edifying for those we serve, but temptation is all about us.

We are tempted by those who would curry our favor for particular ends. We are tempted by our pride. Sometimes we are tempted by our greed. We often fail to keep our egos in check, forgetting the exuberant vitality and principled dedication of the days of our youthful innocence. In these moments of contemplative reflection, we pray that we might be open to Your presence, to Your guidance, to Your will, in such a way that we might remember our service to the state in which we live, and *all* the citizens thereof.

The needs of our state are great. The demands upon these public servants can at times be horrendous. The pressures sometimes indescribable. Gracious Father, help honest hearts and struggling minds remain focused upon that which is good, just, right and honorable, as the work is entered into this day.

We pray in Your Son's name. 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: Candace Thomas.

The Journal of the twenty-second day was approved as printed.

SPECIAL RECOGNITION

The Officers of the Missouri State Future Farmers of America were introduced by Speaker Tilley.

Jon Black, President of the Missouri State Future Farmers of America, addressed the House.

HOUSE RESOLUTION

Representatives Bernskoetter and Barnes offered House Resolution No. 571.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 568 through House Resolution No. 570
House Resolution No. 572 through House Resolution No. 584

HOUSE CONCURRENT RESOLUTION

Representative Bernskoetter, et al., offered House Concurrent Resolution No. 32.

SECOND READING OF HOUSE JOINT RESOLUTIONS

HJR 20 and **HJR 21** were read the second time.

SECOND READING OF HOUSE BILLS

HB 495 through **HB 505** were read the second time.

PERFECTION OF HOUSE BILL

HCS HB 91, relating to workers' compensation, was placed on the Informal Calendar.

THIRD READING OF HOUSE CONCURRENT RESOLUTION

HCR 9, relating to a federal amendment convention, was taken up by Representative Barnes.

Representative Parkinson assumed the Chair.

Representative Jones (89) suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 154

Allen	Anders	Asbury	Atkins	Aull
Bahr	Barnes	Bernskoetter	Berry	Black
Brandom	Brattin	Brown 85	Burlison	Carlson
Casey	Cauthorn	Cierpiot	Colona	Conway 14

Conway 27	Cookson	Crawford	Cross	Curls
Curtman	Davis	Day	Denison	Dieckhaus
Diehl	Dugger	Ellinger	Elmer	Entlicher
Faith	Fallert	Fisher	Fitzwater	Flanigan
Fraker	Franklin	Franz	Frederick	Fuhr
Funderburk	Gatschenberger	Gosen	Grisamore	Guernsey
Haefner	Hampton	Harris	Higdon	Hinson
Hodges	Holsman	Hoskins	Hough	Houghton
Hubbard	Hummel	Johnson	Jones 63	Jones 89
Jones 117	Kander	Keeney	Kelley 126	Kirkton
Klippenstein	Koenig	Korman	Kratky	Lair
Lampe	Lant	Largent	Lasater	Lauer
Leach	Leara	Lichtenegger	Loehner	Long
Marshall	May	McCaherty	McCann Beatty	McDonald
McGeoghegan	McGhee	McManus	McNary	McNeil
Meadows	Molendorp	Montecillo	Nance	Nasheed
Neth	Newman	Nichols	Nolte	Oxford
Pace	Parkinson	Peters-Baker	Phillips	Pollock
Quinn	Redmon	Reiboldt	Richardson	Riddle
Rizzo	Rowland	Ruzicka	Sater	Schad
Schatz	Schieber	Schieffer	Schneider	Schoeller
Schupp	Shively	Shumake	Sifton	Silvey
Smith 71	Smith 150	Solon	Spreng	Still
Stream	Swearingen	Swinger	Talboy	Taylor
Thomson	Torpey	Wallingford	Walton Gray	Webber
Wells	Weter	White	Wieland	Wright
Wyatt	Zerr	Zimmerman	Mr Speaker	

NOES: 000

PRESENT: 002

Cox Kelly 24

ABSENT WITH LEAVE: 007

Brown 50	Brown 116	Carter	Hughes	Pierson
Scharnhorst	Webb			

Speaker Tilley resumed the Chair.

HCR 9 was laid over.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

- HB 26** - Ways and Means
- HB 53** - Crime Prevention and Public Safety
- HB 87** - Corrections
- HB 144** - Ways and Means
- HB 177** - Crime Prevention and Public Safety
- HB 200** - Corrections
- HB 202** - Downsizing State Government

HB 207 - Crime Prevention and Public Safety
HB 208 - Urban Issues
HB 238 - Workforce Development and Workplace Safety
HB 246 - Elementary and Secondary Education
HB 251 - Economic Development
HB 291 - Transportation
HB 313 - Insurance Policy
HB 349 - Workforce Development and Workplace Safety
HB 350 - Elementary and Secondary Education
HB 374 - Judiciary
HB 392 - Health Care Policy
HB 401 - General Laws
HB 414 - Insurance Policy
HB 415 - Transportation
HB 416 - Transportation Funding and Public Institutions
HB 419 - Elementary and Secondary Education
HB 427 - Judiciary
HB 437 - Downsizing State Government
HB 440 - Crime Prevention and Public Safety
HB 441 - Tourism and Natural Resources
HB 445 - Corrections
HB 446 - Elementary and Secondary Education
HB 448 - Retirement
HB 449 - Crime Prevention and Public Safety
HB 458 - Emerging Issues in Animal Agriculture
HB 463 - Elementary and Secondary Education
HB 464 - Downsizing State Government
HB 465 - Financial Institutions
HB 471 - Elementary and Secondary Education
HB 473 - Elementary and Secondary Education
HB 474 - Tourism and Natural Resources
HB 490 - General Laws
HB 502 - Crime Prevention and Public Safety

REFERRAL OF SENATE BILL

The following Senate Bill was referred to the Committee indicated:

SCS SB 68 - General Laws

COMMITTEE REPORTS

Committee on Rural Community Development, Chairman Weter reporting:

Mr. Speaker: Your Committee on Rural Community Development, to which was referred **HB 112** and **HB 285**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, 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 **HB 89**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, 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 136**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on Rules, Chairman Diehl reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 3**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 14**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HB 15**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 61**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 76**, begs leave to report it has examined the same and recommends that it **Do Pass**.

INTRODUCTION OF HOUSE BILLS

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

HB 506, introduced by Representatives Fuhr, Haefner and Brown (85), relating to property tax levy revisions.

HB 507, introduced by Representative Carter, relating to health insurance coverage for licensed athletic trainer services.

HB 508, introduced by Representatives Carter, Oxford and Walton Gray, relating to caseload standards for certain state agencies.

HB 509, introduced by Representatives Carter, Curls, Webb, Hughes and Walton Gray, relating to eligibility for food stamps.

HB 510, introduced by Representatives Wyatt, Conway (14), Entlicher, Kelley (126) , Franklin, Brown (85) and Largent, relating to testing of certain defendants for sexually transmitted diseases.

HB 511, introduced by Representatives Nasheed, Dieckhaus, McNary, Gatschenberger, Fuhr, Wieland, Hinson, Rowland, Berry, Carter, Curls, Spreng, May, Taylor, Pierson, Burlison, Haefner, Lasater, McCann Beatty, McGeoghegan, Hubbard, Pace, Walton Gray, Tilley, Parkinson, Fisher, McCaherty, Davis, Brattin, White, Higdon, Koenig, Leara, Denison and Jones (89), relating to personalized learning plans.

HB 512, introduced by Representative Lair, relating to unlawfully intercepting computer and electronic communication device information.

HB 513, introduced by Representatives Newman, Carter, Oxford, Montecillo, McGeoghegan, Stream, Kirkton, Spreng, Peters-Baker and Ellinger, relating to Sean's Law.

HB 514, introduced by Representatives McNeil, Stream, Still, Kirkton and Shively, relating to unaccredited schools.

HB 515, introduced by Representatives Wallingford, Lichtenegger, Hinson, Fitzwater, Scharnhorst, Korman, Flanigan, Jones (89), McNary, Smith (150), Cauthorn, McCaherty, Frederick, Diehl, Rowland, Franz, Cookson, Conway (14), Lasater, Schoeller, Curtman, Hampton, Entlicher, Riddle and Wright, relating to embryo transfer.

HB 516, introduced by Representatives Ellinger, Nasheed, Pierson, Smith (71), Pace, Oxford, McCann Beatty, Taylor, Nichols, Hubbard and Schupp, relating to fairness in the infliction of the death penalty.

HB 517, introduced by Representatives Ellinger, Nasheed, Pierson, Nichols, Smith (71), Pace, Oxford, McCann Beatty, Taylor, Hubbard and Schupp, relating to the right to clemency in capital cases.

HB 518, introduced by Representative Schupp, relating to the designation of a memorial highway.

HB 519, introduced by Representatives Curls and McCann Beatty, relating to abandoned housing.

HB 520, introduced by Representatives Schupp, Funderburk, Walton Gray, Kratky, Meadows and Schoeller, relating to sales tax exemptions.

HB 521, introduced by Representatives Wells and Dugger, relating to recalls of ambulance district board members.

HB 522, introduced by Representative Rizzo, relating to payday loans.

HB 523, introduced by Representative Molendorp, relating to portable electronics insurance.

HB 524, introduced by Representatives Molendorp, Colona, Zimmerman, Nance and Casey, relating to bail bond regulations.

HB 525, introduced by Representative Molendorp, relating to life and health reinsurance contracts.

HB 526, introduced by Representative Weter, relating to surgical technology.

HB 527, introduced by Representatives Cookson, Hinson, Denison, Schieffer, Faith, Meadows, Stream, Long, Fitzwater, Hampton and Richardson, relating to highway safety.

HB 528, introduced by Representatives Jones (117), Richardson, Hinson, Silvey, Jones (89), Hough, Elmer, Barnes, Korman, Wallingford, Kelly (24), Riddle, Houghton, Lichtenegger, Neth, Parkinson, Schad, Loehner, Kelley (126), Zimmerman, Webber, Casey, Colona, Diehl, Schneider, Cross, Gatschenberger, Smith (150), Leach, Fitzwater, Gosen, Nance, Tilley, Kander, Hoskins and Berry, relating to medical records.

HB 529, introduced by Representatives Carter, Walton Gray, Hubbard and Webb, relating to the designation of the new Mississippi River bridge.

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 **SCS SB 19**, entitled:

An act to repeal section 147.010, RSMo, and to enact in lieu thereof one new section relating to the phase-out of the corporate franchise tax.

In which the concurrence of the House is respectfully requested.

COMMITTEE CHANGE

February 15, 2011

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

Dear Mr. Crumbliss:

Pursuant to House Rule 22, I hereby remove Representative Genise Montecillo from the Committee on Transportation Funding and Public Institutions. If you have any questions regarding this communication, please contact my office.

Sincerely,

/s/ Mike Talboy
Missouri House of Representatives
District 37

The following members' presence was noted: Brown (50), Carter, Hughes, Pierson, Scharnhorst and Webb.

ADJOURNMENT

On motion of Representative Jones (89), the House adjourned until 10:00 a.m., Wednesday, February 16, 2011.

COMMITTEE MEETINGS

APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES

Wednesday, February 16, 2011, 2:00 PM House Hearing Room 4.

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

Complete markups.

APPROPRIATIONS - EDUCATION

Wednesday, February 16, 2011, 8:00 AM House Hearing Room 3.

Presentation by Higher Education Institution Presidents.

APPROPRIATIONS - EDUCATION

Wednesday, February 16, 2011, 2:00 PM House Hearing Room 1.

Presentation continued by Higher Education Institution Presidents.

APPROPRIATIONS - GENERAL ADMINISTRATION

Wednesday, February 16, 2011, House Hearing Room 3 upon morning adjournment.

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

Markup.

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Wednesday, February 16, 2011, 2:00 PM House Hearing Room 5.

Department of Social Services budget overview, continued.

CANCELLED

APPROPRIATIONS - HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES

Thursday, February 17, 2011, 8:00 AM House Hearing Room 3.

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

Markup of HB 10 and HB 11.

May reconvene upon morning adjournment.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 16, 2011, 2:00 PM House Hearing Room 6.

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

Bills could be voted out of committee today.

AMENDED

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Thursday, February 17, 2011, House Hearing Room 6 upon morning adjournment.

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

Vote bills out of committee.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Wednesday, February 16, 2011, 2:00 PM House Hearing Room 7.

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

Complete markup.

CHILDREN AND FAMILIES

Wednesday, February 16, 2011, 8:00 AM House Hearing Room 1.

Public hearing to be held on: HB 32

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

CORRECTIONS

Wednesday, February 16, 2011, 5:00 PM House Hearing Room 1.

Public hearing to be held on: HB 340, HB 384

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

CRIME PREVENTION AND PUBLIC SAFETY

Wednesday, February 16, 2011, 12:00 PM House Hearing Room 4.

Public hearing to be held on: HB 199, HB 247, HB 356, HB 413

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

DOWNSIZING STATE GOVERNMENT

Thursday, February 17, 2011, 8:00 AM House Hearing Room 4.

Public hearing to be held on: HJR 11, HB 315, HJR 12, HB 464

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

AMENDED

DOWNSIZING STATE GOVERNMENT

Tuesday, February 22, 2011, 6:30 PM MCTA, 223 E Capitol Drive.
Committee dinner and work session.

ELEMENTARY AND SECONDARY EDUCATION

Wednesday, February 16, 2011, 8:00 AM House Hearing Room 6.
Public hearing to be held on: HJR 10, HB 393

FINANCIAL INSTITUTIONS

Wednesday, February 16, 2011, 5:00 PM House Hearing Room 6.
Public hearing to be held on: HB 465, HB 50
Executive session will be held: HB 109, HB 173, HB 465, HB 83
Executive session may be held on any matter referred to the committee.
AMENDED

FISCAL REVIEW

Thursday, February 17, 2011, 8:30 AM South Gallery.
Executive session may be held on any matter referred to the committee.
Any bills referred to the committee.

GENERAL LAWS

Thursday, February 17, 2011, 12:00 PM House Hearing Room 4.
Public hearing to be held on: HB 364
Executive session may be held on any matter referred to the committee.

HEALTH CARE POLICY

Wednesday, February 16, 2011, 12:00 PM House Hearing Room 6.
Public hearing to be held on: HB 110, HB 201
Executive session will be held: HB 213
Executive session may be held on any matter referred to the committee.

INTERNATIONAL TRADE AND JOB CREATION

Wednesday, February 16, 2011, 5:00 PM House Hearing Room 7.
Public hearing to be held on: HB 264
Executive session may be held on any matter referred to the committee.

JUDICIARY

Wednesday, February 16, 2011, 12:00 PM House Hearing Room 1.
Public hearing to be held on: HB 256, HB 260
Executive session will be held: HB 128, HB 130, HB 111, HB 253
Executive session may be held on any matter referred to the committee.

LOCAL GOVERNMENT

Wednesday, February 16, 2011, 8:00 AM House Hearing Room 7.
Public hearing to be held on: HB 43, HB 184, HB 290, HB 369
Executive session will be held: HB 101, HB 142, HB 161
Executive session may be held on any matter referred to the committee.

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, February 16, 2011, House Hearing Room 5, 12:00 PM or upon morning adjournment.
Public hearing to be held on: HB 326, HB 301
Executive session may be held on any matter referred to the committee.

RETIREMENT

Thursday, February 17, 2011, 8:00 AM House Hearing Room 1.
Public hearing to be held on: HB 358, HB 360, HB 229, HB 183, HB 263, HB 282, HB 127
Executive session may be held on any matter referred to the committee.

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

Wednesday, February 16, 2011, 2:00 PM House Hearing Room 5.
Executive session will be held: HCS HB 205
Executive session may be held on any matter referred to the committee.
CORRECTED

SMALL BUSINESS

Wednesday, February 16, 2011, 12:00 PM House Hearing Room 7.
Public hearing to be held on: HB 68
Executive session may be held on any matter referred to the committee.

SPECIAL STANDING COMMITTEE ON DISABILITY SERVICES

Monday, February 21, 2011, 1:00 PM House Hearing Room 7.
Executive session will be held: HB 421, HB 411
Executive session may be held on any matter referred to the committee.

TAX REFORM

Wednesday, February 16, 2011, 8:00 AM House Hearing Room 5.
Public hearing to be held on: HB 278, HB 52
Executive session may be held on any matter referred to the committee.

TOURISM AND NATURAL RESOURCES

Thursday, February 17, 2011, 8:00 AM House Hearing Room 7.
Public hearing to be held on: HCR 6, HCR 11
Executive session will be held: HB 250
Executive session may be held on any matter referred to the committee.
There will also be a presentation by the Missouri Parks Association.

TRANSPORTATION FUNDING AND PUBLIC INSTITUTIONS

Thursday, February 17, 2011, 8:00 AM House Hearing Room 6.

Public hearing to be held on: HB 147, HB 330, HB 126, HB 137, HCR 23

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

WAYS AND MEANS

Thursday, February 17, 2011, 8:00 AM House Hearing Room 5.

Public hearing to be held on: HB 408, HB 312, HB 248

Executive session will be held: HB 116

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

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Monday, February 21, 2011, 12:00 PM House Hearing Room 6.

Public hearing to be held on: HB 319, HB 320, HB 434

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

HOUSE CALENDAR

TWENTY-FOURTH DAY, WEDNESDAY, FEBRUARY 16, 2011

HOUSE BILLS FOR SECOND READING

HB 506 through HB 529

HOUSE BILLS FOR PERFECTION

HB 71 - Nasheed

HOUSE BILLS FOR PERFECTION - INFORMAL

HCS HB 91 - Nolte

HOUSE CONCURRENT RESOLUTIONS FOR THIRD READING

HCR 9, (2-1-11, Page 277) - Barnes

SENATE BILLS FOR SECOND READING

SCS SB 19