

# JOURNAL OF THE HOUSE

First Regular Session, 93rd GENERAL ASSEMBLY

FORTIETH DAY, WEDNESDAY, MARCH 16, 2005

The House met pursuant to adjournment.

Speaker Pro Tem Bearden in the Chair.

Prayer by Reverend James Earl Jackson.

We give You LORD the glory due Your name; we worship You LORD in the splendor of Your holiness. Your voice moves the waters. The voice of Your glory thunders throughout the whole earth. Your voice is powerful and majestic.

May we position ourselves today to hear Your voice that we might be blessed with peace, strength and insight.

We are determined, with Your help, to drive offense and anger far from us; for there is no profit in that. In our deliberations today, may we seek not the applause of man, but the applause of Heaven.

Grant us rest and enjoyment of family during the upcoming Spring break and may we return refreshed and ready to tackle the concluding issues of this session.

Grace be with us all.

In the authority of Your Son's name, we pray. 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: Meredith Brunkow, Jordan Ousley, Emily Ousley, Mark Baehr and Matt Hunt.

The Journal of the thirty-ninth day was approved as corrected.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1299

and

House Resolution No. 1300 - Representative Roark

## SECOND READING OF HOUSE BILLS

**HB 787** through **HB 803** were read the second time.

## PERFECTION OF HOUSE BILLS

**HCS HB 208**, relating to civil actions, was taken up by Representative Icet.

**HCS HB 208** was laid over.

**HCS HB 394**, relating to medical malpractice insurance, was taken up by Representative Byrd.

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

### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 394, Page 13, Section 383.501, Line 4, by inserting after all of said line the following:

"538.230. 1. In any action against a health care provider for damages for personal injury or death on account of the rendering of or failure to render health care services where fault is apportioned among the parties and persons released pursuant to subsection 3 of this section, the court, unless otherwise agreed by all the parties, shall instruct the jury to apportion fault among such persons and parties, or the court, if there is no jury, shall make findings, indicating the percentage of total fault of all the parties to each claim that is allocated to each party and person who has been released from liability under subsection 3 of this section.

2. The court shall determine the award of damages to each plaintiff in accordance with the findings, subject to any reduction under subsection 3 of this section and enter judgment against each party liable on the basis of the rules of joint and several liability[. However, notwithstanding the provisions of this subsection, any defendant against whom an award of damages is made shall be jointly liable only with those defendants whose apportioned percentage of fault is equal to or less than such defendant] **as established in section 537.067, RSMo.**

3. Any release, covenant not to sue, or similar agreement entered into by a claimant and a person or entity against which a claim is asserted arising out of the alleged transaction which is the basis for plaintiff's cause of action, whether actually made a party to the action or not, discharges that person or entity from all liability for contribution or indemnity but it does not discharge other persons or entities liable upon such claim unless it so provides. However, the claim of the releasing person against other persons or entities is reduced by the amount of the released persons' or entities' equitable share of the total obligation imposed by the court pursuant to a full apportionment of fault under this section as though there had been no release."; and

Further amend said title, enacting clause and intersectional references accordingly.

Representative Behnen assumed the Chair.

On motion of Representative Byrd, **House Amendment No. 1** was adopted.

Representative Byrd offered **House Amendment No. 2**.

### *House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 394, Page 9, Section 383.407, Line 33, by deleting the second occurrence of the number "**383.407**" and inserting in lieu thereof the number "**383.404**"; and

Further amend said bill, Page 9, Section 383.407, Line 7, by inserting at the end of said line the following:

**"As used in sections 383.404, 383.405, and 383.406, "insurance premium rate" means the base rate as established herein plus such schedule rating or individual risk rating credits or debits as allowed under regulations promulgated by the department of insurance.";** and

Further amend said title, enacting clause and intersectional references accordingly.

Speaker Pro Tem Bearden resumed the Chair.

On motion of Representative Byrd, **House Amendment No. 2** was adopted.

**HCS HB 394, as amended**, was laid over.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **HCS SS SCS SBs 1 & 130, as amended**, and has taken up and passed **CCS HCS SS SCS SBs 1 & 130**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 14**, entitled:

An act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refund, 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, 2005.

With Senate Amendment No. 2.

#### *Senate Amendment No. 2*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 14, Page 1, Section 14.005, Line 5, by deleting the number "3,006,542" and inserting in lieu thereof the number "1,006,542"; and

Further amend said bill, Page 1, Section 14.015, Line 3, by deleting the number "5,552,794" and inserting in lieu thereof the number "4,552,794".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 221, 250 & 256**, entitled:

An act to repeal sections 210.104, 210.107, 302.510, 302.530, 304.015, 304.016, 304.281, 304.351, 307.178, 577.023, 577.041, RSMo, section 302.302 as enacted by house substitute for senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, and section 302.302 as enacted by conference committee substitute no. 2 for senate committee substitute for house committee substitute for house bill nos. 302 & 38, ninety-first assembly, first regular session, and to enact in lieu thereof twelve new sections relating to the operation of motor vehicles, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate Conferees on **SS SCS HCS HB 393, as amended**, are allowed to exceed the differences.

### BILL IN CONFERENCE

**CCR SS SCS HCS HB 393, as amended**, relating to tort reform, was taken up by Representative Byrd.

Representative Byrd moved that the House conferees be allowed to exceed the differences.

Which motion was adopted.

On motion of Representative Byrd, **CCR SS SCS HCS HB 393, as amended**, was adopted by the following vote:

AYES: 113

Aull	Avery	Baker 123	Barnitz	Bearden
Behnen	Bivins	Black	Bringer	Brown 30
Bruns	Byrd	Casey	Chinn	Cooper 120
Cooper 155	Cooper 158	Cunningham 145	Cunningham 86	Curls
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Dougherty	Dusenberg	Emery
Ervin	Faith	Fares	Fisher	Flook
Franz	Goodman	Guest	Harris 110	Hobbs
Hoskins	Hubbard	Hughes	Hunter	Icet
Jackson	Johnson 47	Jones	Kelly	Kingery
Kraus	Kuessner	Lager	Lembke	Lipke
Loehner	Marsh	May	McGhee	Meiners
Moore	Munzlinger	Muschany	Myers	Nance
Nieves	Nolte	Page	Parson	Pearce
Phillips	Pollock	Portwood	Pratt	Quinn
Rector	Richard	Roark	Robb	Robinson
Ruestman	Rupp	Sander	Sater	Schaaf
Schad	Schlottach	Selby	Self	Skaggs
Smith 118	Smith 14	Stefanick	Stevenson	St. Onge
Sutherland	Swinger	Threlkeld	Tilley	Viebrock
Wagner	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Witte	Wood	Wright 137
Wright 159	Yates	Mr Speaker		

NOES: 047

Baker 25	Bland	Bowman	Boykins	Brooks
Brown 50	Burnett	Chappelle-Nadal	Corcoran	Darrough
Daus	Donnelly	El-Amin	Fraser	George
Harris 23	Henke	Johnson 61	Johnson 90	Jolly
Kratky	Lampe	LeVota	Liese	Low 39
Lowe 44	Meadows	Oxford	Parker	Roorda
Rucker	Salva	Schneider	Schoemehl	Shoemyer
Spreng	Storch	Villa	Vogt	Walsh
Walton	Whorton	Wildberger	Wright-Jones	Yaeger
Young	Zweifel			

PRESENT: 000

ABSENT WITH LEAVE: 002

Bean                      Haywood

VACANCIES: 001

On motion of Representative Byrd, **CCS SS SCS HCS HB 393** was read the third time and passed by the following vote:

AYES: 112

Aull	Avery	Baker 123	Barnitz	Bearden
Behnen	Bivins	Black	Bringer	Brown 30
Bruns	Byrd	Casey	Chinn	Cooper 120
Cooper 155	Cooper 158	Cunningham 145	Cunningham 86	Curls
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Dougherty	Dusenberg	Emery
Ervin	Faith	Fares	Fisher	Flook
Franz	Goodman	Guest	Harris 110	Hobbs
Hoskins	Hubbard	Hunter	Icet	Jackson
Johnson 47	Jones	Kelly	Kingery	Kraus
Kuessner	Lager	Lembke	Lipke	Loehner
Marsh	May	McGhee	Meiners	Moore
Munzlinger	Muschany	Myers	Nance	Nieves
Nolte	Page	Parson	Pearce	Phillips
Pollock	Portwood	Pratt	Quinn	Rector
Richard	Roark	Robb	Robinson	Ruestman
Rupp	Sander	Sater	Schaaf	Schad
Schlottach	Selby	Self	Skaggs	Smith 118
Smith 14	Stefanick	Stevenson	St. Onge	Sutherland
Swinger	Threlkeld	Tilley	Viebrock	Wagner
Wallace	Wasson	Wells	Weter	Wilson 119
Wilson 130	Witte	Wood	Wright 137	Wright 159
Yates	Mr Speaker			

NOES: 047

Baker 25	Bland	Bowman	Boykins	Brooks
Brown 50	Burnett	Chappelle-Nadal	Corcoran	Darrough
Daus	Donnelly	El-Amin	Fraser	George
Harris 23	Henke	Johnson 61	Johnson 90	Jolly
Kratky	Lampe	LeVota	Liese	Low 39
Lowe 44	Meadows	Oxford	Parker	Roorda
Rucker	Salva	Schneider	Schoemehl	Shoemyer
Spreng	Storch	Villa	Vogt	Walsh
Walton	Whorton	Wildberger	Wright-Jones	Yaeger
Young	Zweifel			

PRESENT: 001

Hughes

ABSENT WITH LEAVE: 002

Bean Haywood

VACANCIES: 001

Speaker Pro Tem Bearden declared the bill passed.

On motion of Representative Dempsey, the House recessed until 2:15 p.m.

### **AFTERNOON SESSION**

The hour of recess having expired, the House was called to order by Speaker Pro Tem Bearden.

### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 1301 - Representative Brown (30)  
House Resolution No. 1302 - Representative Cunningham (145)  
House Resolution No. 1303 - Representative Schad  
House Resolution No. 1304  
through  
House Resolution No. 1316 - Representative Wilson (119)  
House Resolution No. 1317 - Representative Yaeger  
House Resolution No. 1318 - Representative Viebrock  
House Resolution No. 1319 - Representative Smith (118)  
House Resolution No. 1320 - Representative Spreng  
House Resolution No. 1321 - Representative Lager

### **BILL IN CONFERENCE**

**CCR HCS SS SCS SBs 1 & 130, as amended**, relating to workers' compensation, was taken up by Representative Hunter.

Representative Dempsey suggested the absence of a quorum.

The following roll call indicated a quorum present:

AYES: 138

Aull	Avery	Baker 123	Baker 25	Barnitz
Bearden	Behnen	Bivins	Black	Bland
Bowman	Bringer	Brooks	Brown 30	Brown 50
Bruns	Burnett	Byrd	Chappelle-Nadal	Casey
Chinn	Cooper 120	Cooper 155	Cooper 158	Cunningham 145
Cunningham 86	Curts	Darrough	Daus	Davis
Day	Deeken	Dempsey	Denison	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	Emery
Ervin	Faith	Fares	Fisher	Flook
Franz	Fraser	Goodman	Guest	Harris 110

Henke	Hobbs	Hoskins	Hubbard	Hughes
Hunter	Ice	Jackson	Johnson 47	Johnson 61
Jolly	Jones	Kelly	Kingery	Kraus
Kuessner	Lager	Lampe	Lembke	Liese
Lipke	Loehner	Low 39	Lowe 44	Marsh
May	McGhee	Meadows	Meiners	Moore
Munzlinger	Muschany	Myers	Nance	Nieves
Nolte	Oxford	Parker	Parson	Pearce
Phillips	Pollock	Quinn	Richard	Roark
Robb	Robinson	Roorda	Ruestman	Rupp
Salva	Sander	Sater	Schaaf	Schad
Schlottach	Schoemehl	Selby	Self	Shoemyer
Smith 14	Spreng	Stefanick	Stevenson	St. Onge
Storch	Swinger	Threlkeld	Tilley	Viebrock
Villa	Wagner	Walsh	Walton	Wasson
Wells	Weter	Whorton	Wilson 119	Wilson 130
Witte	Wood	Wright-Jones	Wright 137	Wright 159
Young	Zweifel	Mr Speaker		

NOES: 001

Skaggs

PRESENT: 009

Corcoran	Harris 23	Johnson 90	LeVota	Pratt
Smith 118	Sutherland	Wallace	Yates	

ABSENT WITH LEAVE: 014

Bean	Boykins	El-Amin	George	Haywood
Kratky	Page	Portwood	Rector	Rucker
Schneider	Vogt	Wildberger	Yaeger	

VACANCIES: 001

On motion of Representative Hunter, **CCR HCS SS SCS SBs 1 &130, as amended**, was adopted by the following vote:

AYES: 097

Avery	Baker 123	Bearden	Behnen	Bivins
Black	Brown 30	Bruns	Byrd	Chinn
Cooper 120	Cooper 155	Cooper 158	Cunningham 145	Cunningham 86
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Dusenberg	Emery	Ervin
Faith	Fares	Fisher	Flook	Franz
Goodman	Guest	Hobbs	Hunter	Ice
Jackson	Johnson 47	Jones	Kelly	Kingery
Kraus	Lager	Lembke	Lipke	Loehner
Marsh	May	McGhee	Moore	Munzlinger
Muschany	Myers	Nance	Nieves	Nolte
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Quinn	Rector	Richard
Roark	Robb	Ruestman	Rupp	Sander
Sater	Schaaf	Schad	Schlottach	Schneider
Self	Smith 118	Smith 14	Stefanick	Stevenson

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St. Onge	Sutherland	Swinger	Threlkeld	Tilley
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wood	Wright 137	Wright 159
Yates	Mr Speaker			

NOES: 062

Aull	Baker 25	Barnitz	Bland	Bowman
Boykins	Bringer	Brooks	Brown 50	Burnett
Chappelle-Nadal	Casey	Corcoran	Curls	Darrough
Daus	Donnelly	Dougherty	El-Amin	Fraser
George	Harris 110	Harris 23	Henke	Hoskins
Hubbard	Hughes	Johnson 61	Johnson 90	Jolly
Kratky	Kuessner	Lampe	LeVota	Liese
Low 39	Lowe 44	Meadows	Meiners	Oxford
Page	Robinson	Roorda	Rucker	Salva
Schoemehl	Selby	Shoemyer	Skaggs	Spreng
Storch	Villa	Vogt	Wagner	Walsh
Walton	Whorton	Wildberger	Witte	Wright-Jones
Young	Zweifel			

PRESENT: 000

ABSENT WITH LEAVE: 003

Bean	Haywood	Yaeger
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VACANCIES: 001

On motion of Representative Hunter, **CCS HCS SS SCS SBs 1 & 130** was truly agreed to and finally passed by the following vote:

AYES: 097

Avery	Baker 123	Bearden	Behnen	Bivins
Black	Brown 30	Bruns	Byrd	Chinn
Cooper 120	Cooper 155	Cooper 158	Cunningham 145	Cunningham 86
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Dusenberg	Emery	Ervin
Faith	Fares	Fisher	Flook	Franz
Goodman	Guest	Hobbs	Hunter	Icet
Jackson	Johnson 47	Jones	Kelly	Kingery
Kraus	Lager	Lembke	Lipke	Loehner
Marsh	May	McGhee	Moore	Munzlinger
Muschany	Myers	Nance	Nieves	Nolte
Parker	Parson	Pearce	Phillips	Pollock
Portwood	Pratt	Quinn	Rector	Richard
Roark	Robb	Ruestman	Rupp	Sander
Sater	Schaaf	Schad	Schlottach	Schneider
Self	Smith 118	Smith 14	Stefanick	Stevenson
St. Onge	Sutherland	Swinger	Threlkeld	Tilley
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wood	Wright 137	Wright 159
Yates	Mr Speaker			

NOES: 062

Aull	Baker 25	Barnitz	Bland	Bowman
Boykins	Bringer	Brooks	Brown 50	Burnett
Chappelle-Nadal	Casey	Corcoran	Curls	Darrough
Daus	Donnelly	Dougherty	El-Amin	Fraser
George	Harris 110	Harris 23	Henke	Hoskins
Hubbard	Hughes	Johnson 61	Johnson 90	Jolly
Kratky	Kuessner	Lampe	LeVota	Liese
Low 39	Lowe 44	Meadows	Meiners	Oxford
Page	Robinson	Roorda	Rucker	Salva
Schoemehl	Selby	Shoemyer	Skaggs	Spreng
Storch	Villa	Vogt	Wagner	Walsh
Walton	Whorton	Wildberger	Witte	Wright-Jones
Young	Zweifel			

PRESENT: 000

ABSENT WITH LEAVE: 003

Bean Haywood Yaeger

VACANCIES: 001

Speaker Pro Tem Bearden declared the bill passed.

### PERFECTION OF HOUSE BILL

**HCS HB 208**, relating to civil actions, was again taken up by Representative Icet.

Representative Behnen resumed the Chair.

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

#### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 208, Section 537.530, Page 2, Line 18, by striking the number “**339**,” on said line; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

Speaker Pro Tem Bearden resumed the Chair.

Representative Stevenson offered **House Substitute Amendment No. 1 for House Amendment No. 1**.

Representative Byrd raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 1** is not a true substitute amendment.

The Chair ruled the point of order well taken.

Representative Goodman moved that **House Amendment No. 1** be adopted.

## Which motion was defeated by the following vote:

AYES: 009

Burnett	Goodman	Johnson 90	Lipke	Low 39
Marsh	Sater	Skaggs	Stevenson	

NOES: 143

Aull	Avery	Baker 123	Baker 25	Barnitz
Bearden	Behnen	Bivins	Black	Bland
Boykins	Bringer	Brown 30	Brown 50	Bruns
Byrd	Chappelle-Nadal	Casey	Chinn	Cooper 120
Cooper 155	Cooper 158	Corcoran	Cunningham 145	Cunningham 86
Curls	Darrough	Daus	Davis	Day
Deeken	Dempsey	Denison	Dethrow	Dixon
Donnelly	Dougherty	Dusenberg	El-Amin	Emery
Ervin	Faith	Fares	Fisher	Flook
Franz	Fraser	George	Guest	Harris 110
Henke	Hobbs	Hoskins	Hubbard	Hughes
Hunter	Ice	Jackson	Johnson 47	Jolly
Jones	Kelly	Kingery	Kratky	Kraus
Kuessner	Lager	Lampe	Lembke	LeVota
Liese	May	McGhee	Meadows	Meiners
Moore	Munzlinger	Muschany	Myers	Nance
Nieves	Nolte	Oxford	Page	Parker
Parson	Pearce	Phillips	Pollock	Portwood
Pratt	Quinn	Rector	Richard	Roark
Robb	Robinson	Roorda	Rucker	Ruestman
Rupp	Salva	Sander	Schaaf	Schad
Schlottach	Schoemehl	Selby	Self	Shoemyer
Smith 118	Smith 14	Spreng	Stefanick	St. Onge
Storch	Sutherland	Swinger	Threlkeld	Tilley
Viebrock	Villa	Vogt	Wagner	Wallace
Walsh	Walton	Wasson	Wells	Weter
Whorton	Wildberger	Wilson 119	Wilson 130	Witte
Wood	Wright-Jones	Wright 137	Wright 159	Yates
Young	Zweifel	Mr Speaker		

PRESENT: 002

Brooks	Lowe 44
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ABSENT WITH LEAVE: 008

Bean	Bowman	Harris 23	Haywood	Johnson 61
Loehner	Schneider	Yaeger		

VACANCIES: 001

On motion of Representative Ice, **HCS HB 208** was adopted.

On motion of Representative Ice, **HCS HB 208** was ordered perfected and printed.

## REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

**HB 789** - Local Government

## COMMITTEE REPORTS

**Committee on Children and Families**, Chairman Phillips reporting:

Mr. Speaker: Your Committee on Children and Families, to which was referred **HB 36**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Committee on Corrections and Public Institutions**, Chairman Kelly reporting:

Mr. Speaker: Your Committee on Corrections and Public Institutions, to which was referred **HB 491**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Corrections and Public Institutions, to which was referred **HB 685**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Corrections and Public Institutions, to which was referred **HB 700**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Corrections and Public Institutions, to which was referred **HB 743**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

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

Mr. Speaker: Your Committee on Veterans, to which was referred **HCR 16**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

## HOUSE CONCURRENT RESOLUTION NO. 16

WHEREAS, in 1654, Jewish refugees from Brazil arrived on North American shores and formally established North America's first Jewish community in New Amsterdam, now New York City; and

WHEREAS, America welcomed Jews among the millions of immigrants that streamed through our Nation's history and helped shape our Nation; and

WHEREAS, the American Jewish community has been intimately involved in our Nation's civic, social, economic, and cultural life; and

WHEREAS, the American Jewish community has sought to actualize the broad principles of liberty and justice that are enshrined in the constitutions of the United States and the State of Missouri; and

WHEREAS, the American Jewish community is an equal participant in the religious life of our Nation; and

WHEREAS, American Jews have fought valiantly for the United States in every one of our Nation's military struggles from the American Revolution to Operation Enduring Freedom, with not less than 16 American Jews having received the Medal of Honor; and

WHEREAS, 2005 marks the 351st anniversary of the American Jewish community; and

WHEREAS, the Commission for Commemorating 351 Years of American Jewish History has designated September 2005 as "American Jewish History Month":

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-third General Assembly, First Regular Session, the Senate concurring therein, hereby declare that the State of Missouri:

- (1) Recognizes the 351st anniversary of the American Jewish Community;
- (2) Supports designation of an "American Jewish History Month"; and
- (3) Urges all Missourians to share in this commemoration so as to have a greater appreciation of the role of the American Jewish Community in helping to defend and further the liberties and freedom of all Americans.

Mr. Speaker: Your Committee on Veterans, to which was returned **HB 412**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Committee on Rules**, Chairman Cooper (120) reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HCR 20**, begs leave to report it has examined the same and recommends that it **Do Pass - NOT CONSENT, with no time limit for debate**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HJR 16**, begs leave to report it has examined the same and recommends that it **Do Pass, with no time limit for debate**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 64**, begs leave to report it has examined the same and recommends that it **Do Pass, with no time limit for debate**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 131**, begs leave to report it has examined the same and recommends that it **Be Returned to the Committee of Origin**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS #2 HB 232**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent, with no time limit for debate**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 286**, begs leave to report it has examined the same and recommends that it **Do Pass, with no time limit for debate**.

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 519**, begs leave to report it has examined the same and recommends that it **Do Pass, with a time limit of three (3) hours for debate on Third Reading.**

Mr. Speaker: Your Committee on Rules, to which was referred **HCS HB 525**, begs leave to report it has examined the same and recommends that it **Do Pass, with no time limit for debate.**

Mr. Speaker: Your Committee on Rules, to which was referred **HB 539**, begs leave to report it has examined the same and recommends that it **Do Pass, with no time limit for debate.**

Mr. Speaker: Your Committee on Rules, to which was referred **HB 600**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent, with no time limit for debate.**

### **INTRODUCTION OF HOUSE JOINT RESOLUTION**

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

**HJR 24**, introduced by Representatives Skaggs, Corcoran, Aull, Salva, LeVota, Johnson (90), Henke, Donnelly, Jolly, Young, Fraser, Spreng, Selby, Daus, Villa, Meiners, Chappelle-Nadal, Wildberger, Baker (25), Meadows, Roorda, Darrough, Kratky, Robinson, Page, Zweifel, Kuessner, Oxford, Witte, Barnitz, Bland, Sanders Brooks, Vogt, Brown (50) and Curls, relating to appropriations for public education.

### **INTRODUCTION OF HOUSE BILLS**

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

**HB 804**, introduced by Representative Smith (118), relating to county employee retirement.

**HB 805**, introduced by Representatives Meadows, Yaeger, Brown (50), Oxford, Curls, Zweifel, Darrough, Roorda, LeVota, Wildberger and Jolly, relating to the posting of nurse staffing levels at hospitals.

**HB 806**, introduced by Representative Sutherland, relating to property tax depreciation schedules for broadcasting equipment.

**HB 807**, introduced by Representatives Hobbs, Brown (30), Richard and Rector, relating to the administrative hearing commission.

**HB 808**, introduced by Representatives Burnett, Skaggs, Pratt, Yates, Dusenberg, Kraus, Johnson (47), Dougherty, Young, Jolly, Lowe (44), Low (39), Meiners, Bland, Brown (50), Curls, Flook, Salva, Hughes, LeVota, Nolte, Baker (123) and Phillips, relating to the housing development commission.

**HB 809**, introduced by Representatives Black, Day, Nance, Kingery, May, Kuessner, Swinger, Skaggs, Roorda and Bringer, relating to transient guest tax.

**HB 810**, introduced by Representatives Johnson (90), Barnitz, Kuessner, Roorda, Lampe, Swinger, Witte, Sanders Brooks, Schoemehl, Corcoran, Robinson, Rucker, Whorton, LeVota, Burnett, Zweifel, Jolly and Wildberger, relating to waivers for dissolved corporations due to military service.

**HB 811**, introduced by Representatives Roorda, Meadows, Casey, Harris (110), Weter and Darrough, relating to corrections officer and jailer training.

**HB 812**, introduced by Representatives Yates, Wilson (130), Richard, Cooper (120), Spreng, Rupp, Page and Hoskins, relating to contracts against public policy.

**HB 813**, introduced by Representatives El-Amin, Kratky, Oxford, Brown (50), Low (39), Chappelle-Nadal, Bland, Donnelly, Rucker, Sanders Brooks, Daus, Hubbard, Wright-Jones, Boykins, Bowman, Bruns, Schaaf, Walton, Baker (25), Roorda, Hughes, Denison, Moore, Cunningham (86) and Black, relating to an alternative sentencing task force.

**HB 814**, introduced by Representatives El-Amin, Oxford, Chappelle-Nadal, Curls, Hoskins, Brown (50), Low (39), Bland, Sanders Brooks, Hubbard, Wright-Jones, Boykins, Bowman, Walton, Baker (25), Denison and Black, relating to civilian review boards.

**HB 815**, introduced by Representatives El-Amin, Oxford, Curls, Hoskins, Brown (50), Low (39), Chappelle-Nadal, Bland, Rucker, Sanders Brooks, Daus, Selby, Hubbard, Wright-Jones, Bowman, Dougherty, Walton, Baker (25), Roorda and Hughes, relating to jury service.

### 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 adopted the Conference Committee Report on **SS SCS HCS HB 393**, as **amended**, and has taken up and passed **CCS SS SCS HCS HB 393**.

### WITHDRAWAL OF HOUSE BILLS

March 14, 2005

Steve Davis, Chief Clerk  
State Capitol  
Room 306-C  
Jefferson City, MO 65101

Dear Mr. Davis:

I respectfully request that **House Bill No. 122**, relating to the adult entertainment tax act be withdrawn.

Thank your for your assistance in this matter.

Sincerely,

/s/ Kate Meiners  
District 46

---

March 16, 2005

Steve Davis, Chief Clerk  
Missouri House of Representatives  
State Capitol  
Jefferson City, MO 65101

Dear Mr. Davis:

I respectfully request that **House Bill No. 782** be withdrawn.

Thank you for your consideration in this request. If you have questions, please do not hesitate to call.

Sincerely,

/s/ Trent Skaggs  
District 31

**ADJOURNMENT**

On motion of Representative Dempsey, the House adjourned until 10:00 a.m., Thursday, March 17, 2005.

**CORRECTIONS TO THE HOUSE JOURNAL**

**AFFIDAVITS**

I, State Representative Leonard Hughes, District 42, hereby state and affirm that my vote as recorded on the motion to adopt the Conference Committee Report for Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393 in the House Journal for Wednesday, March 16, 2005 showing that I voted aye was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted no. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 16th day of March 2005.

/s/ Leonard Hughes  
State Representative

State of Missouri            )  
  ) ss.  
County of Cole             )

Subscribed and sworn to before me this 16th day of March in the year 2005.

/s/ Stephen S. Davis  
Chief Clerk

I, State Representative Ray Salva, District 51, hereby state and affirm that I was present during the session of the House of Representatives on Tuesday, March 15, 2005 and that the House Journal inaccurately reflects my absence. Pursuant to House Rule 88, I ask that the Journal be corrected to note my presence in the House Journal for Tuesday, March 15, 2005.



**BUDGET**

Wednesday, March 30, 2005, 8:00 a.m. House Lounge.  
Appropriation recommendations/Markup.  
Executive session may follow.

**BUDGET**

Wednesday, March 30, 2005, 8:00 p.m. Hearing Room 3.  
Appropriation recommendations/Markup.  
Executive session may follow.

**BUDGET**

Thursday, March 31, 2005, 8:00 a.m. Hearing Room 3.  
Appropriation recommendations/Markup.  
Executive session may follow.

**BUDGET**

Thursday, March 31, 2005, 8:00 p.m. Hearing Room 3.  
Appropriation recommendations/Markup.  
Executive session may follow.

**BUDGET**

Friday, April 1, 2005, 8:00 a.m. Hearing Room 3.  
Appropriation recommendations/Markup.  
Executive session may follow.

**JOINT COMMITTEE ON ADMINISTRATIVE RULES**

Thursday, March 17, 2005, Senate Lounge upon morning adjournment.  
13 CSR 40-110.20, 13 CSR 40-11-.030.  
The Committee will meet upon adjournment of both Houses.  
Executive session may or may not follow.

**JUDICIARY**

Thursday, March 17, 2005, House Chamber side gallery upon morning adjournment.  
Executive session

**LOCAL GOVERNMENT**

Thursday, March 17, 2005, 8:00 a.m. Hearing Room 6.  
Executive session may follow.  
Public hearings to be held on: HB 76, HB 565, HB 253, HB 179  
Executive session will be held on: HB 465, HB 405, HB 485, HB 480

**RULES**

Thursday, March 17, 2005, House Chamber side gallery upon morning adjournment.  
Executive session may follow. AMENDED  
Public hearings to be held on: HB 450, HCS HB 353, HB 375, HB 410,  
HCS HB 518, 288, 418 & 635, HCS HB 628, HCS HB 255, HCS HB 532,  
HB 707, HB 530, HB 685, HB 743

WAYS AND MEANS

Thursday, March 17, 2005, House Chamber side gallery upon morning adjournment.  
Executive session will be held on: HB 461

**HOUSE CALENDAR**

FORTY-FIRST DAY, THURSDAY, MARCH 17, 2005

**HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 24

**HOUSE BILLS FOR SECOND READING**

HB 804 through HB 815

**HOUSE BILLS FOR PERFECTION**

- 1 HB 344 - Baker (123)
- 2 HB 376 - Guest
- 3 HCS HB 394, as amended - Byrd
- 4 HCS HB 388 - Yates
- 5 HCS HB 576 - Flook

**HOUSE BILLS FOR PERFECTION - CONSENT**

(3/10/05)

- 1 HCS HB 119 - Jones
- 2 HCS HB 215 - Pearce
- 3 HB 343, HCA 1 - Baker (123)
- 4 HB 345 - Baker (123)
- 5 HB 413 - Hubbard
- 6 HB 445 - Guest
- 7 HB 479 - Ervin
- 8 HB 524 - May

(3/14/05)

- 1 HB 69 - Rupp
- 2 HB 402 - Schaaf
- 3 HB 456 - Kuessner
- 4 HCS HB 474 - Yates
- 5 HB 486 - Bruns
- 6 HCS HB 508 - Pratt
- 7 HCS HB 515 - Wood
- 8 HB 596 - Schaaf

- 9 HB 638 - Cunningham (86)
- 10 HB 678 - Byrd
- 11 HB 684 - Lipke

(3/15/05)

- 1 HB 43 - Wallace
- 2 HB 53 - Swinger
- 3 HCS HB 108 - Schaaf
- 4 HB 155 - Ruestman
- 5 HB 236 - Goodman
- 6 HB 280 - Walsh
- 7 HB 342 - Baker (123)
- 8 HCS HB 362 - Lipke
- 9 HCS HB 422 - Black
- 10 HCS HB 448 - Villa
- 11 HB 453 - May
- 12 HCS HB 462 & 463 - Smith (118)
- 13 HB 487 - Bruns
- 14 HCS HB 513 - Zweifel
- 15 HCS HB 531 - Wright (137)
- 16 HB 618 - Bearden
- 17 HCS HB 631 - Portwood

(3/16/05)

- 1 HB 33 - Phillips
- 2 HB 180 - Johnson (47)
- 3 HB 219 - Salva
- 4 HB 258 - Cunningham (86)
- 5 HB 260 - Deeken
- 6 HB 261 - Deeken
- 7 HB 321 - Yates
- 8 HB 323 - Johnson (47)
- 9 HCS HB 334 - Franz
- 10 HB 395 - Wood
- 11 HCS HB 443 - Sander
- 12 HB 455 - Quinn
- 13 HB 473 - Yates
- 14 HB 528 - Cunningham (145)
- 15 HCS HB 563 - Rucker
- 16 HCS HB 568 - Stevenson
- 17 HCS HB 577 - Kuessner
- 18 HCS HB 606 - Lembke
- 19 HCS HB 630 - Pollock
- 20 HB 681 - Chappelle-Nadal
- 21 HB 688 - Byrd

(3/17/05)

- 1 HCS#2 HB 232 - Portwood
- 2 HB 600 - Cooper (155)

### **HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 348, E.C. - Pearce
- 2 HB 564 - Boykins
- 3 HCS HB 437 - Jackson
- 4 HCS HB 58, E.C. - Johnson (47)
- 5 HCS HB 208 - Icet

### **HOUSE BILLS FOR THIRD READING - CONSENT**

- 1 HB 243 - May
- 2 HB 397 - Henke
- 3 HB 423 - Kuessner
- 4 HB 431 - Wright (137)
- 5 HB 567 - Stevenson

### **SENATE BILL FOR SECOND READING**

SCS SBs 221, 250 & 256

### **HOUSE BILL WITH SENATE AMENDMENTS**

SCS HCS HB 14, as amended - Lager

### **HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 11, (2-17-05, Pages 351-352) - Sander
- 2 HCR 4, (3-02-05, Pages 467-468) - Burnett
- 3 HCR 9, (2-17-05, Page 351) - Bivins
- 4 HCR 15, (3-03-05, Pages 487-488) - Baker (123)