

JOURNAL OF THE HOUSE

First Regular Session, 93rd GENERAL ASSEMBLY

SEVENTIETH DAY, FRIDAY, MAY 6, 2005

The House met pursuant to adjournment.

Speaker Jetton in the Chair.

Prayer by Chris Dunn, Legislative Assistant to Representative Marilyn Ruestman.

Heavenly Father,

Thank You for this day, You have certainly made it beautiful.

Thank You for Your grace, love and provision that sustains us and those we care for.

Lord, You inspired David, who needed Your protection long ago, to write,

“For in the day of trouble
He will keep me safe in His dwelling;
He will hide me in the shelter of His tabernacle
and set me high upon a rock.”

Today we pray as David did, that You will protect us and set us high upon a rock.

David continued to write in that same Psalm:

“I am still confident of this:
I will see the goodness of the LORD
in the land of the living.”

Lord, as we take care of the affairs of our state today, help us see Your goodness and then pass it on to others. Help us to do what is right and not what is popular. We submit ourselves to You today. Help us have wisdom that comes from Heaven, and help us to be a blessing to our families, our coworkers and our constituencies today.

In Your great name we ask. 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: Nicholas Drapp.

HOUSE COURTESY RESOLUTION OFFERED AND ISSUED

House Resolution No. 2973 - Representative Witte

The following members' presence was noted: Bowman, Brown (50), Byrd, Casey, Chappelle-Nadal, Cooper (120), Day, Denison, Dixon, Franz, Harris (110), Hughes, Johnson (47), Johnson (61), Jones, Lampe, LeVota, Lowe (44), Meadows, Nieves, Pollock, Pratt, Quinn, Roorda, Rucker, Salva, Sanders Brooks, Schneider, Selby, Shoemyer, Sutherland, Swinger, Viebrock, Walsh, Wells, Whorton and Witte.

ADJOURNMENT

On motion of Representative Ruestman, the House adjourned until 2:00 p.m., Monday, May 9, 2005.

CORRECTION TO THE HOUSE JOURNAL

Correct House Journal, Sixty-ninth Day, Thursday, May 5, 2005, Page 1561, Line 18, by inserting immediately after said line the following:

Mr. Speaker: Your Special Committee on General Laws, to which was referred **HR 1176**, 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 RESOLUTION NO. 1176

WHEREAS, Amendment I of the United States Constitution, which provides in part that "Congress shall make no law respecting an establishment of religion...", is a specific and unequivocal instruction to only the United States Congress; and

WHEREAS, the United States Constitution makes no restriction on the ability of states to acknowledge God, the Supreme Ruler of the Universe; and

WHEREAS, Amendment X of the United States Constitution, which provides that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people", reserved the right of the acknowledgment of God to the states and the people; and

WHEREAS, the Preamble to the Missouri Constitution, which provides that "We the people of Missouri, with profound reverence for the Supreme Ruler of the Universe, and grateful for His goodness, do establish this constitution for the better government of the state", is within the boundaries of rights reserved to the states by the United States Constitution; and

WHEREAS, the federal judiciary has overstepped its constitutional boundaries and ruled against the acknowledgment of God as the sovereign source of law, liberty, and government by local and state officers and other state institutions, including state schools; and

WHEREAS, the federal judiciary has created confusion between Amendment I and Amendment X of the United States Constitution, and has consistently misapplied Amendment XIV, usurping the rights of the states and the people; and

WHEREAS, Article VI of the United States Constitution requires that each member of the United States Congress and each member of the several state legislatures be bound by oath or affirmation to "support this constitution"; and

WHEREAS, among the seminal principles of our constitutional republic is the premise that each branch of government will be a "check" upon the others; and

WHEREAS, the United States Congress is charged with the solemn responsibility to cause the federal judiciary to refrain from interfering with the acknowledgment of God by any local, state, or federal official by any constitutional means at its' disposal, including limiting the jurisdiction of the federal courts in such matters; and

WHEREAS, Article III, Section 2 of the United States Constitution provides in part that "the...court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make"; and

WHEREAS, there is pending before the 109th Congress the Constitution Restoration Act of 2005, H.R. 1070 and S. 520, which will limit the jurisdiction of the federal courts and preserve the right to acknowledge God, exercised by the State of Missouri in its Preamble to the Missouri Constitution, to the states and to the people and resolve the issue of improper judicial intervention in matters relating to the acknowledgment of God:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri House of Representatives, the Ninety-third General Assembly, hereby urge the United States Congress to adopt forthwith the Constitution Restoration Act of 2005, H. R. 1070 and S. 520; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, the Chairs of the Judiciary Committees of the United States Senate and House of Representatives, and each member of the Missouri Congressional Delegation.

COMMITTEE MEETINGS

CHILDREN AND FAMILIES

Monday, May 9, 2005, 12:00 p.m. Hearing Room 1.

Executive session may follow. AMENDED

Public hearing to be held on: SS SCS SB 2

CONFERENCE COMMITTEE NOTICE

Monday, May 9, 2005, 10:00 a.m. Senate Lounge.

Public hearing to be held on: HCS SS SCS SB 210

CRIME PREVENTION AND PUBLIC SAFETY

Monday, May 9, 2005, Hearing Room 6 upon afternoon adjournment.

Executive session.

FISCAL REVIEW

Monday, May 9, 2005, 1:00 p.m. Hearing Room 4.

Any bills or matters referred to the Fiscal Review Committee. Executive session may follow.

Public hearings to be held on: HCS SS SCS SB 144, HCS SS SCS SB 287

FISCAL REVIEW

Tuesday, May 10, 2005, 9:00 a.m. Hearing Room 4.

Any bills or matters referred to the Fiscal Review Committee.

Executive session.

FISCAL REVIEW

Wednesday, May 11, 2005, 9:00 a.m. Hearing Room 4.
Any bills or matters referred to the Fiscal Review Committee.
Executive session.

FISCAL REVIEW

Thursday, May 12, 2005, 9:00 a.m. Hearing Room 4.
Any bills or matters referred to the Fiscal Review Committee.
Executive session.

FISCAL REVIEW

Friday, May 13, 2005, 9:00 a.m. Hearing Room 4.
Any bills or matters referred to the Fiscal Review Committee.
Executive session.

RULES

Monday, May 9, 2005, 11:00 a.m. Hearing Room 4.
Executive session may follow.
Public hearings to be held on: HR 1176, HCS#2 SS SB 362,
SCR 15, HCS SS SB 402, SCS SCR 8, SCS SCR 6,
HCS SCS SB 196, SCR 13, SB 534

VETERANS

Monday, May 9, 2005, Hearing Room 5 upon afternoon adjournment.
Executive session will follow.
Public hearing to be held on: SJR 19

HOUSE CALENDAR

SEVENTY-FIRST DAY, MONDAY, MAY 9, 2005

HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 12 - Bearden

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 628 - Byrd
- 2 HCS HB 255 - Cunningham (86)
- 3 HCS HB 387 - Byrd
- 4 HB 572 - Stevenson
- 5 HCS HB 853 - Loehner
- 6 HB 291, as amended - Cooper (155)
- 7 HCS HB 272 - Pratt
- 8 HB 721 - Flook

- 9 HCS HB 671 - Sutherland
- 10 HCS HB 804 - Smith (118)
- 11 HB 679 - Kraus
- 12 HCS HB 742 - Bearden
- 13 HCS HB 854 - Richard
- 14 HCS HB 924 - Wallace
- 15 HCS HB 231 - Portwood
- 16 HCS#2 HB 586 - Sander
- 17 HCS HB 591, 210, 377, 760 & 777, HA 1 to HA 1, and HA 1, pending - Schlottach
- 18 HB 784 - Meadows
- 19 HB 633 - Lipke
- 20 HCS HB 430 - Shoemyer
- 21 HCS HB 490 - Daus
- 22 HCS HB 491, Part I, Part II, Part III, pending - McGhee
- 23 HCS HB 549 - Fraser
- 24 HCS HB 552 - Ervin
- 25 HCS HB 660 - Schlottach
- 26 HCS HB 842 & 831 - Brooks
- 27 HB 875 - Moore
- 28 HCS#2 HB 131 - Schaaf
- 29 HB 925 - Salva
- 30 HCS HB 948 - Cooper (158)

HOUSE BILL FOR PERFECTION - INFORMAL

HCS HB 639, as amended - Hoskins

HOUSE BILLS FOR THIRD READING

- 1 HB 375 - Nance
- 2 HCS HB 532 - Spreng
- 3 HB 952, E.C. - Icet
- 4 HCS HB 859 - Jetton

HOUSE BILL FOR THIRD READING - CONSENT

HCS HB 508, E.C. - Pratt

SENATE CONCURRENT RESOLUTION

SCR 2, (3-02-05, Pages 470-471) - Sander

SENATE BILLS FOR THIRD READING - CONSENT

- 1 SCS SB 222 - Sutherland
- 2 SB 480, HPA 1, pending - Kraus
- 3 SB 518 - Cooper (155)
- 4 SCS SB 6 - Lager
- 5 HCS SB 38 - Ruestman
- 6 SB 122 - Wright (137)
- 7 SB 162 - Cooper (155)
- 8 HCS SB 174, E.C. - Bruns
- 9 HCS SB 177 - Behnen
- 10 HCS SCS SB 182 - Rector
- 11 SB 209 - Pearce
- 12 HCS SB 216 - Goodman
- 13 SCS SB 227 - Kuessner
- 14 HCS SCS SB 238 - Faith
- 15 SCS SB 247 - Bruns
- 16 SB 265 - Wood
- 17 SB 288 - Lager
- 18 SB 304 - Ervin
- 19 HCS SB 308 - Pollock
- 20 SB 317 - Smith (118)
- 21 SCS SB 354 - Schlottach
- 22 SB 357 - Johnson (47)
- 23 HCS SB 364, E.C. - Franz
- 24 HCS SCS SB 372 - Kuessner
- 25 SCS SB 374 - Zweifel
- 26 SB 396 - Sutherland
- 27 HCS SB 401 - Lembke
- 28 SB 418 - Lipke
- 29 HCS SB 422 - Yates
- 30 HCS SCS SB 423 - Lipke
- 31 HCS SCS SB 450, E.C. - Portwood
- 32 SCS SB 496 - Kelly
- 33 SCS SB 502, E.C. - Portwood
- 34 SB 521, as amended - Cooper (158)

SENATE BILLS FOR THIRD READING

- 1 HCS SCS SB 70 - Richard
- 2 SB 488, HCA 1, pending - Robinson
- 3 SB 280 - Wasson
- 4 SB 286 - Kingery
- 5 SB 479 - May
- 6 SB 526 - Cunningham (145)

- 7 SB 180 - Cooper (158)
- 8 HCS SCS SB 260 - Baker (123)
- 9 SB 268 - Byrd
- 10 SB 274 - Richard
- 11 SS SCS SB 346 - Ruestman
- 12 HCS SS SB 95 - Hubbard
- 13 HCS SB 99 - Wood
- 14 SB 141 - Richard
- 15 HCS SS SCS SB 168 - Pratt
- 16 HCS SB 173 - Hobbs
- 17 HCS SB 187 - Guest
- 18 HCS SB 192 - Robinson
- 19 HCS SCS SBs 221, 250 & 256 - St. Onge
- 20 SB 232, HCA 1 - Bivins
- 21 SCS SB 310 - Dixon
- 22 HCS SCS SB 319 - Roark
- 23 HCS SS SB 343 - Richard
- 24 SB 361 - Nance
- 25 SB 380 - Cunningham (86)
- 26 HCS SCS SBs 420 & 344 - Byrd (2 hours debate on Third Reading)
- 27 SB 431, E.C. - Sutherland
- 28 SCS SBs 23 & 51 - Lipke
- 29 HCS SS SCS SBs 74 & 49, E.C. - Cooper (155)
- 30 HCS SCS SB 161 - Chinn
- 31 HCS SS#2 SCS SB 225, E.C. - Hobbs
- 32 SB 254 - Tilley
- 33 HCS SCS SB 262 - Johnson (47)
- 34 HCS SCS SB 272 - Dempsey
- 35 HCS SCS SB 355, E.C. - Loehner
- 36 SB 358 - Richard
- 37 HCS SS SCS SB 462, E.C. - Schad
- 38 HCS SCS SB 500 - Lager
- 39 HCS SCS SB 57 - Wilson (130)
- 40 HCS SB 194 - Kraus
- 41 HCS SCS SB 233 - Nance
- 42 HCS SCS SB 468 - Icet
- 43 HCS#2 SB 123 - Byrd
- 44 HCS SS SCS SB 144, (Fiscal Review 5-05-05) - Byrd
- 45 HCS#2 SB 165 - Byrd
- 46 HCS SS SCS SB 287, (Fiscal Review 5-05-05) - Baker (123)
- 47 SB 257 - Baker (123)

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SCS HCS HB 47, E.C. - Brown (30)
- 2 SCS HB 678, as amended - Byrd
- 3 SCS HB 707 - Cunningham (145)
- 4 SCS HCS HB 515 - Wood
- 5 SCS HB 638 - Cunningham (86)
- 6 SCS HB 685, E.C. - Franz
- 7 SCS HB 361 & HB 684 - Lipke
- 8 SCS HB 688 - Byrd
- 9 HCS HB 630, SPA 1 - Pollock
- 10 SCS HCS HB 362 - Lipke
- 11 SCS HB 456 - Kuessner
- 12 SCS HB 450 - Meiners
- 13 SCS HB 53 - Swinger
- 14 SCS HB 423 - Kuessner
- 15 SS SCS HCS HB 441, E.C. - Lipke
- 16 SCS HB 528 - Cunningham (145)
- 17 SCS HB 618 - Bearden
- 18 SCS HCS HB 297 - Pearce
- 19 SCS HCS HB 443 - Sander
- 20 SCS HCS#2 HB 232 - Portwood
- 21 SCS HB 229 - Portwood
- 22 HCS HB 525, SSA 1 for SA 1, SA 3 & SA 6 - May
- 23 HCS HB 576, SCA 1 - Flook
- 24 SS SCS HB 487, as amended, E.C. - Bruns

BILL CARRYING REQUEST MESSAGE

- SS SCS HCS HB 58, as amended (request Senate recede/grant conference), E.C. - Johnson (47)

BILLS IN CONFERENCE

- 1 HCS SS SCS SB 210, as amended - Johnson (47)
- 2 HCS SCS#2 SB 155, as amended - Kingery

HOUSE CONCURRENT RESOLUTIONS

- 1 HCS HCR 25, (3-10-05, Pages 588-589) - Schlottach
- 2 HCR 22, (4-20-05, Page 1171) - Bivins
- 3 HCR 33, (4-20-05, Pages 1171-1172) - Jetton

HOUSE BILLS TAKEN FROM COMMITTEE PER CONSTITUTION

- 1 HCR 14, (4-26-05, Pages 1277-1278) - Zweifel
- 2 HJR 23 - Emery
- 3 HB 846 - Page