

# JOURNAL OF THE HOUSE

First Regular Session, 93rd GENERAL ASSEMBLY

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THIRTY-SEVENTH DAY, THURSDAY, MARCH 10, 2005

The House met pursuant to adjournment.

Speaker Pro Tem Bearden in the Chair.

Prayer by Father Donald W. Lammers.

Almighty God, You command the March winds.

“The wind blows where it wills, and you can hear the sound it makes, but you do not know where it comes from or where it goes...” (John 3:8). Holy Spirit of God, whom we begin to understand through the wind You create and control, blow among us as an assembly, move within each of us.

Spirit of silence, in the still moments of this day open us to God’s presence.

Spirit of peace, help us to be attentive to God’s word in the world.

Spirit of love, compel us to be open to the needs of others.

Spirit of power, bestow the gift of Your strength upon us.

Spirit of God, one with God, Almighty God, who lives and reigns forever and ever. 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: Nicole Campbell, Allison Campbell, Ashley Cox, Dusty Cox, Megan Chappell, Josh Chappell, Jacob Cluck, Jacob Moss, Emily Akers, Zackery Akers, Adam Ballew, Alissa Ballew, Buffy Parish, Todd Crites, Tricia Crites, Billy Crites, Caleb Hovis, Tanner Hovis, Dalton Hovis, Jessie Adams, Ashley Adams and Alison Keiper.

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

Speaker Jetton assumed the Chair.

## SPECIAL RECOGNITION

Ms. Jackie Sproat was introduced by Representative Swinger and recognized as an Outstanding Missourian.

The 1140<sup>th</sup> Engineering Battalion, A Company, was introduced by Representative Avery and honored by the entire Missouri House of Representatives.

Speaker Pro Tem Bearden resumed the Chair.

### **HOUSE RESOLUTION**

Representative Wright (137), et al., offered House Resolution No. 1176.

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

- House Resolution No. 1136 - Representative Schneider, et al.
- House Resolution No. 1137 - Representative Salva
- House Resolution No. 1138  
and
- House Resolution No. 1139 - Representative Harris (110)
- House Resolution No. 1140 - Representative Kraus
- House Resolution No. 1141  
through
- House Resolution No. 1143 - Representative Lager
- House Resolution No. 1144 - Representative Bean
- House Resolution No. 1145 - Representative Cunningham (145)
- House Resolution No. 1146  
through
- House Resolution No. 1150 - Representative Jetton
- House Resolution No. 1151 - Representative Parker
- House Resolution No. 1152 - Representative Munzlinger
- House Resolution No. 1153 - Representative Walton
- House Resolution No. 1154  
and
- House Resolution No. 1155 - Representative Fares
- House Resolution No. 1156 - Representative Smith (14)
- House Resolution No. 1157  
through
- House Resolution No. 1170 - Representative Wilson (119)
- House Resolution No. 1171 - Representative Kingery
- House Resolution No. 1172  
through
- House Resolution No. 1174 - Representative Lager
- House Resolution No. 1175 - Representative El-Amin
- House Resolution No. 1177 - Representative Flook
- House Resolution No. 1178 - Representative Jetton
- House Resolution No. 1179  
and
- House Resolution No. 1180 - Representative Denison
- House Resolution No. 1181  
through
- House Resolution No. 1184 - Representative Bruns
- House Resolution No. 1185 - Representative Cooper (158)
- House Resolution No. 1186 - Representative Schad

House Resolution No. 1187 - Representative Sanders Brooks  
House Resolution No. 1188  
through  
House Resolution No. 1194 - Representative Fares  
House Resolution No. 1195  
through  
House Resolution No. 1208 - Representative Sander  
House Resolution No. 1209 - Representative Threlkeld

### SECOND READING OF HOUSE JOINT RESOLUTION

**HJR 22** was read the second time.

### SECOND READING OF HOUSE BILLS

**HB 738** through **HB 762** were read the second time.

### SECOND READING OF SENATE BILLS

**SB 38, SB 42, SCS SB 57, SCS SB 73, SCS SBs 103 & 115, SB 156, SCS SB 161, SB 192, SB 209, SCS SB 222, SCS SB 227, SCS SB 233, SCS SB 238, SCS SB 246, SCS SB 247, SB 257, SCS SB 258, SB 259, SCS SB 260, SCS SB 262, SCS SB 266, SCS SB 267, SB 268, SB 280, SB 285, SB 286, SB 304 and SB 317** were read the second time.

### THIRD READING OF HOUSE BILLS

**HCS#2 HBs 94 & 185**, relating to scholarships for survivors of veterans, was taken up by Representative Cunningham (145).

On motion of Representative Cunningham (145), **HCS#2 HBs 94 & 185** was read the third time and passed by the following vote:

AYES: 153

Aull	Baker 123	Baker 25	Barnitz	Bearden
Behnen	Bivins	Black	Bland	Boykins
Bringer	Brooks	Brown 30	Brown 50	Bruns
Burnett	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	El-Amin	Emery
Ervin	Faith	Fares	Fisher	Flook
Franz	Fraser	George	Goodman	Guest
Harris 110	Harris 23	Haywood	Henke	Hobbs
Hoskins	Hughes	Icet	Jackson	Johnson 47
Johnson 61	Jolly	Jones	Kelly	Kingery
Kratky	Kraus	Kuessner	Lager	Lampe
Lembke	LeVota	Liese	Lipke	Loehner
Low 39	Lowe 44	Marsh	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
Sater	Schaaf	Schad	Schlottach	Schneider
Schoemehl	Selby	Self	Shoemyer	Skaggs
Smith 118	Smith 14	Spreng	Stefanick	Stevenson
St. Onge	Storch	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		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 009

Avery	Bean	Bowman	Dusenberg	Hubbard
Hunter	Johnson 90	Sutherland	Yaeger	

VACANCIES: 001

Speaker Pro Tem Bearden declared the bill passed.

**HCS HB 365**, relating to county sheriff's revolving funds, was taken up by Representative Munzlinger.

On motion of Representative Munzlinger, **HCS HB 365** was read the third time and passed by the following vote:

AYES: 142

Aull	Baker 123	Baker 25	Barnitz	Bearden
Behnen	Black	Bland	Bringer	Brown 30
Brown 50	Bruns	Burnett	Casey	Chinn
Cooper 120	Cooper 155	Cooper 158	Corcoran	Cunningham 145
Cunningham 86	Curts	Darrough	Davis	Day
Deeken	Dempsey	Denison	Dethrow	Dixon
Donnelly	Dougherty	Emery	Ervin	Faith
Fisher	Flook	Franz	Fraser	George
Goodman	Guest	Harris 110	Harris 23	Haywood
Henke	Hobbs	Hoskins	Hughes	Icet
Jackson	Johnson 47	Jolly	Jones	Kelly
Kingery	Kraus	Kuessner	Lager	Lampe
Lembke	LeVota	Liese	Lipke	Loehner
Low 39	Lowe 44	Marsh	May	McGhee
Meadows	Meiners	Moore	Munzlinger	Muschany
Myers	Nance	Nieves	Nolte	Parker
Parson	Pearce	Phillips	Pollock	Portwood
Pratt	Quinn	Rector	Richard	Roark
Robb	Robinson	Roorda	Rucker	Ruestman

Rupp	Salva	Sander	Sater	Schaaf
Schad	Schlottach	Schneider	Schoemehl	Selby
Self	Shoemyer	Skaggs	Smith 118	Smith 14
Spreng	Stefanick	Stevenson	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			

NOES: 007

Byrd	Chappelle-Nadal	Daus	El-Amin	Kratky
Oxford	Page			

PRESENT: 004

Bivins	Brooks	Fares	Johnson 61	
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ABSENT WITH LEAVE: 009

Avery	Bean	Bowman	Boykins	Dusenberg
Hubbard	Hunter	Johnson 90	Yaeger	

VACANCIES: 001

Speaker Pro Tem Bearden declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 144

Aull	Avery	Baker 123	Baker 25	Barnitz
Bearden	Behnen	Black	Bland	Boykins
Bringer	Brown 30	Brown 50	Bruns	Burnett
Casey	Chinn	Cooper 120	Cooper 155	Cooper 158
Corcoran	Cunningham 145	Cunningham 86	Curls	Darrough
Davis	Day	Deeken	Dempsey	Denison
Dethrow	Dixon	Donnelly	Dougherty	Emery
Ervin	Faith	Fisher	Flook	Franz
Fraser	George	Goodman	Guest	Harris 110
Harris 23	Haywood	Henke	Hobbs	Hoskins
Hughes	Icet	Jackson	Johnson 47	Jolly
Jones	Kelly	Kingery	Kraus	Kuessner
Lager	Lampe	Lembke	LeVota	Liese
Lipke	Loehner	Low 39	Lowe 44	Marsh
May	McGhee	Meadows	Meiners	Moore
Munzlinger	Muschany	Myers	Nance	Nieves
Nolte	Parker	Parson	Pearce	Phillips
Pollock	Portwood	Pratt	Quinn	Rector
Richard	Roark	Robb	Robinson	Roorda
Rucker	Ruestman	Rupp	Salva	Sander
Sater	Schaaf	Schad	Schlottach	Schneider
Schoemehl	Selby	Self	Shoemyer	Skaggs
Smith 118	Smith 14	Spreng	Stefanick	Stevenson
St. Onge	Storch	Sutherland	Swinger	Threlkeld

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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	

NOES: 008

Brooks	Byrd	Chappelle-Nadal	Daus	El-Amin
Kratky	Oxford	Page		

PRESENT: 003

Bivins	Fares	Johnson 61		
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ABSENT WITH LEAVE: 007

Bean	Bowman	Dusenberg	Hubbard	Hunter
Johnson 90	Yaeger			

VACANCIES: 001

**HB 100**, relating to abortion regulations, was taken up by Representative Cunningham (86).

On motion of Representative Cunningham (86), **HB 100** was read the third time and passed by the following vote:

AYES: 122

Aull	Avery	Baker 123	Barnitz	Bearden
Behnen	Bivins	Black	Bringer	Brown 30
Bruns	Burnett	Byrd	Casey	Chinn
Cooper 120	Cooper 155	Corcoran	Cunningham 145	Cunningham 86
Curls	Daus	Davis	Day	Deeken
Dempsey	Denison	Dethrow	Dixon	Dougherty
Emery	Ervin	Faith	Fisher	Flook
Franz	George	Goodman	Guest	Harris 110
Henke	Hobbs	Hunter	Icet	Jackson
Jones	Kelly	Kingery	Kratky	Kraus
Kuessner	Lager	Lembke	Liese	Lipke
Lochner	Marsh	May	McGhee	Meadows
Meiners	Moore	Munzlinger	Muschany	Myers
Nance	Nieves	Nolte	Parker	Parson
Pearce	Phillips	Pollock	Portwood	Pratt
Quinn	Rector	Richard	Roark	Robb
Robinson	Rucker	Ruestman	Rupp	Salva
Sander	Sater	Schaaf	Schad	Schlottach
Schneider	Schoemehl	Selby	Self	Shoemyer
Smith 118	Smith 14	Spreng	Stefanick	Stevenson
St. Onge	Sutherland	Swinger	Threlkeld	Tilley
Viebrock	Villa	Vogt	Wagner	Wallace
Walsh	Wasson	Wells	Weter	Wildberger
Wilson 119	Wilson 130	Wood	Wright 137	Wright 159
Yates	Mr Speaker			

NOES: 031

Baker 25	Bland	Boykins	Brooks	Brown 50
Chappelle-Nadal	Darrough	Donnelly	El-Amin	Fares
Fraser	Harris 23	Hoskins	Hughes	Johnson 47
Johnson 61	Jolly	Lampe	LeVota	Low 39
Lowe 44	Oxford	Page	Skaggs	Storch
Walton	Whorton	Witte	Wright-Jones	Young
Zweifel				

PRESENT: 000

ABSENT WITH LEAVE: 009

Bean	Bowman	Cooper 158	Dusenberg	Haywood
Hubbard	Johnson 90	Roorda	Yaeger	

VACANCIES: 001

Speaker Pro Tem Bearden declared the bill passed.

**HCS HB 186**, relating to transient guest tax and food sales tax, was taken up by Representative Emery.

On motion of Representative Emery, **HCS HB 186** was read the third time and passed by the following vote:

AYES: 117

Aull	Avery	Baker 123	Barnitz	Bearden
Behnen	Bivins	Black	Bland	Boykins
Bringer	Brown 50	Bruns	Byrd	Chappelle-Nadal
Chinn	Cooper 120	Cooper 155	Cooper 158	Cunningham 145
Cunningham 86	Curls	Davis	Day	Deeken
Dempsey	Denison	Dethrow	Dixon	Dougherty
Emery	Faith	Fares	Fisher	Franz
Fraser	Goodman	Guest	Hobbs	Hughes
Hunter	Ice	Jackson	Johnson 47	Johnson 61
Jolly	Jones	Kelly	Kingery	Kratky
Kuessner	Lager	Lampe	LeVota	Liese
Lipke	Loehner	May	McGhee	Meiners
Moore	Munzlinger	Muschany	Myers	Nance
Nieves	Parker	Parson	Pearce	Phillips
Pollock	Quinn	Rector	Richard	Robb
Ruestman	Rupp	Salva	Sander	Sater
Schaaf	Schad	Schlottach	Schneider	Schoemehl
Selby	Self	Shoemyer	Smith 118	Smith 14
Spreng	Stefanick	Stevenson	St. Onge	Storch
Sutherland	Swinger	Threlkeld	Tilley	Viebrock
Villa	Vogt	Wallace	Wasson	Wells
Weter	Whorton	Wilson 119	Wilson 130	Witte
Wood	Wright-Jones	Wright 137	Wright 159	Young
Zweifel	Mr Speaker			

NOES: 036

Baker 25	Brooks	Brown 30	Burnett	Casey
Corcoran	Darrough	Daus	Donnelly	El-Amin
Ervin	Flook	George	Harris 110	Harris 23
Henke	Hoskins	Kraus	Lembke	Low 39
Lowe 44	Meadows	Nolte	Oxford	Page
Portwood	Pratt	Roark	Robinson	Roorda
Rucker	Skaggs	Walsh	Walton	Wildberger
Yates				

PRESENT: 000

ABSENT WITH LEAVE: 009

Bean	Bowman	Dusenberg	Haywood	Hubbard
Johnson 90	Marsh	Wagner	Yaeger	

VACANCIES: 001

Speaker Pro Tem Bearden declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 117

Aull	Avery	Baker 123	Barnitz	Bearden
Behnen	Bivins	Black	Boykins	Bringer
Bruns	Burnett	Byrd	Chinn	Cooper 120
Cooper 155	Cooper 158	Cunningham 145	Curls	Davis
Day	Deeken	Dempsey	Denison	Dethrow
Dougherty	Emery	Faith	Fares	Fisher
Flook	Franz	Fraser	George	Goodman
Guest	Henke	Hobbs	Hunter	Icet
Jackson	Johnson 47	Jolly	Jones	Kelly
Kingery	Kratky	Kraus	Kuessner	Lager
Lampe	LeVota	Liese	Lipke	Loehner
Lowe 44	May	McGhee	Meiners	Moore
Munzlinger	Muschany	Myers	Nance	Nieves
Parker	Parson	Pearce	Phillips	Pollock
Pratt	Quinn	Rector	Richard	Robb
Ruestman	Salva	Sander	Sater	Schaaf
Schad	Schlottach	Schneider	Schoemehl	Selby
Self	Shoemyer	Smith 118	Smith 14	Spreng
Stefanick	Stevenson	St. Onge	Storch	Sutherland
Swinger	Threlkeld	Tilley	Viebrock	Villa
Vogt	Wallace	Walsh	Wasson	Wells
Weter	Wilson 119	Wilson 130	Witte	Wood
Wright-Jones	Wright 137	Wright 159	Yates	Young
Zweifel	Mr Speaker			

NOES: 028

Bland	Brooks	Brown 30	Brown 50	Casey
Corcoran	Darrough	Daus	Donnelly	El-Amin
Ervin	Harris 110	Harris 23	Hoskins	Hughes
Lembke	Low 39	Meadows	Nolte	Oxford



Page	Portwood	Roark	Robinson	Rucker
Skaggs	Walton	Wildberger		

PRESENT: 006

Baker 25	Chappelle-Nadal	Cunningham 86	Johnson 61	Roorda
Whorton				

ABSENT WITH LEAVE: 011

Bean	Bowman	Dixon	Dusenberg	Haywood
Hubbard	Johnson 90	Marsh	Rupp	Wagner
Yaeger				

VACANCIES: 001

**HB 48**, relating to museum and tourism-related sales tax, was taken up by Representative Dougherty.

On motion of Representative Dougherty, **HB 48** was read the third time and passed by the following vote:

AYES: 130

Aull	Avery	Baker 123	Baker 25	Barnitz
Bearden	Behnen	Bivins	Black	Bland
Boykins	Bringer	Brown 50	Bruns	Burnett
Byrd	Casey	Chinn	Cooper 120	Cooper 155
Cooper 158	Corcoran	Cunningham 145	Curls	Darrough
Daus	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Dougherty	Emery
Faith	Fares	Fisher	Franz	Fraser
George	Goodman	Guest	Hobbs	Hughes
Hunter	Ice	Jackson	Johnson 47	Johnson 61
Jolly	Jones	Kelly	Kingery	Kratky
Kraus	Kuessner	Lager	Lampe	LeVota
Liese	Lipke	Loehner	Lowe 44	May
McGhee	Meiners	Moore	Munzlinger	Muschany
Myers	Nance	Nieves	Oxford	Parker
Parson	Pearce	Phillips	Pollock	Pratt
Quinn	Rector	Richard	Robb	Robinson
Rucker	Ruestman	Sander	Sater	Schaaf
Schad	Schlottach	Schneider	Schoemehl	Selby
Self	Shoemyer	Skaggs	Smith 118	Smith 14
Spreng	Stefanick	Stevenson	St. Onge	Storch
Sutherland	Swinger	Threlkeld	Tilley	Viebrock
Villa	Vogt	Wallace	Walsh	Wasson
Wells	Weter	Whorton	Wildberger	Wilson 119
Wilson 130	Witte	Wood	Wright-Jones	Wright 137
Wright 159	Yates	Young	Zweifel	Mr Speaker

NOES: 018

Brooks	Brown 30	Chappelle-Nadal	Donnelly	Ervin
Flook	Harris 110	Harris 23	Henke	Hoskins
Lembke	Low 39	Nolte	Page	Portwood
Roark	Roorda	Walton		

PRESENT: 002

Cunningham 86	Meadows
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ABSENT WITH LEAVE: 012

Bean	Bowman	Dusenberg	El-Amin	Haywood
Hubbard	Johnson 90	Marsh	Rupp	Salva
Wagner	Yaeger			

VACANCIES: 001

Speaker Pro Tem Bearden declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 130

Aull	Avery	Baker 123	Baker 25	Barnitz
Bearden	Behnen	Bivins	Black	Bland
Boykins	Bringer	Brown 50	Bruns	Burnett
Byrd	Casey	Chinn	Cooper 120	Cooper 155
Cooper 158	Corcoran	Cunningham 145	Curls	Darrough
Daus	Davis	Day	Deeken	Dempsey
Denison	Dethrow	Dixon	Dougherty	El-Amin
Emery	Faith	Fares	Fisher	Franz
Fraser	George	Goodman	Guest	Henke
Hobbs	Hughes	Hunter	Icet	Jackson
Johnson 47	Jolly	Jones	Kelly	Kingery
Kratky	Kraus	Kuessner	Lager	Lampe
LeVota	Liese	Lipke	Loehner	Lowe 44
May	McGhee	Meiners	Moore	Munzlinger
Muschany	Myers	Nance	Nieves	Oxford
Parker	Parson	Pearce	Phillips	Pollock
Pratt	Quinn	Rector	Richard	Robb
Robinson	Rucker	Ruestman	Sander	Sater
Schaaf	Schad	Schlottach	Schneider	Schoemehl
Selby	Self	Shoemyer	Skaggs	Smith 118
Smith 14	Spreng	Stefanick	St. Onge	Storch
Sutherland	Swinger	Threlkeld	Tilley	Viebrock
Villa	Vogt	Wallace	Walsh	Wasson
Wells	Weter	Whorton	Wildberger	Wilson 119
Wilson 130	Witte	Wood	Wright-Jones	Wright 137
Wright 159	Yates	Young	Zweifel	Mr Speaker

NOES: 016

Brooks	Brown 30	Chappelle-Nadal	Donnelly	Ervin
Flook	Harris 110	Harris 23	Hoskins	Lembke
Low 39	Nolte	Page	Portwood	Roark
Walton				

PRESENT: 004

Cunningham 86	Johnson 61	Meadows	Roorda
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ABSENT WITH LEAVE: 012

Bean	Bowman	Dusenberg	Haywood	Hubbard
Johnson 90	Marsh	Rupp	Salva	Stevenson
Wagner	Yaeger			

VACANCIES: 001

**HB 114**, relating to Kansas City transportation sales tax, was taken up by Representative Johnson (47).

On motion of Representative Johnson (47), **HB 114** was read the third time and passed by the following vote:

AYES: 115

Aull	Baker 25	Bearden	Behnen	Black
Bland	Boykins	Bringer	Brooks	Brown 50
Burnett	Byrd	Chappelle-Nadal	Casey	Chinn
Cooper 120	Cooper 155	Corcoran	Cunningham 145	Curls
Darrough	Daus	Deeken	Dempsey	Denison
Dethrow	Dixon	Donnelly	Dougherty	El-Amin
Faith	Fares	Fisher	Franz	Fraser
George	Goodman	Guest	Harris 23	Hobbs
Hoskins	Hughes	Johnson 47	Johnson 61	Jolly
Jones	Kelly	Kratky	Kraus	Kuessner
Lager	Lampe	LeVota	Liese	Loehner
Low 39	Lowe 44	May	McGhee	Meadows
Meiners	Moore	Munzlinger	Nance	Nolte
Oxford	Parker	Parson	Pearce	Pollock
Pratt	Richard	Robb	Robinson	Roorda
Rucker	Salva	Sater	Schaaf	Schad
Schlottach	Schneider	Schoemehl	Selby	Self
Shoemyer	Skaggs	Smith 118	Smith 14	Spreng
Stevenson	St. Onge	Storch	Sutherland	Swinger
Threlkeld	Tilley	Villa	Vogt	Wallace
Walsh	Wasson	Weter	Whorton	Wildberger
Wilson 119	Witte	Wood	Wright-Jones	Wright 137
Wright 159	Yates	Young	Zweifel	Mr Speaker

NOES: 034

Avery	Baker 123	Barnitz	Brown 30	Bruns
Cooper 158	Davis	Day	Emery	Ervin
Flook	Harris 110	Henke	Hunter	Icet

Jackson	Kingery	Lembke	Lipke	Muschany
Myers	Nieves	Page	Phillips	Portwood
Quinn	Rector	Roark	Ruestman	Sander
Stefanick	Viebrock	Wells	Wilson 130	

PRESENT: 002

Cunningham 86      Walton

ABSENT WITH LEAVE: 011

Bean	Bivins	Bowman	Dusenberg	Haywood
Hubbard	Johnson 90	Marsh	Rupp	Wagner
Yaeger				

VACANCIES: 001

Speaker Pro Tem Bearden declared the bill passed.

### MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed Senator Clemens to replace Senator Crowell as conferee on **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 **SS SCS HCS HB 393**, entitled:

An act to repeal sections 355.176, 408.040, 490.715, 508.010, 508.040, 508.070, 508.120, 510.263, 516.105, 537.035, 537.067, 537.090, 538.205, 538.210, 538.220, 538.225, 538.230, and 538.300, RSMo, and to enact in lieu thereof twenty-one new sections relating to claims for damages and the payment thereof.

With Senate Amendment No. 1 to Senate Amendment No. 4, Senate Amendment No. 4, as amended, Senate Amendment No. 1 to Senate Amendment No. 5, Senate Amendment No. 5, as amended, Senate Amendment No. 6, Senate Amendment No. 7, Senate Amendment No. 9 and Senate Amendment No. 11.

*Senate Amendment No. 1  
to  
Senate Amendment No. 4*

AMEND Senate Amendment No. 4 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Page 1, Line 4, by striking the word "III" and inserting in lieu thereof : "I".

*Senate Amendment No. 4*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Page 21, Section 538.205, Line 23 of said page, by inserting immediately after the word "RSMo," the following:

**"provided such long-term care facility has not been cited for violation of a class III standard under section 198.085, RSMo, in the past three years,".**

*Senate Amendment No. 1*  
*to*  
*Senate Amendment No. 5*

AMEND Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Line 3, by striking the words “and further amend said” and further amend lines 4 to 7, by striking all of said lines.

*Senate Amendment No. 5*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Page 23, Section 538.210, Line 6, by striking the opening and closing brackets; and

Further amend said line by striking the word “two”; and

Further amend said section, Page 24, Line 12, by striking the opening bracket “[“ from said line; and

Further amend Line 23, by striking the closing bracket “]” from said line; and

Further renumber the remaining subsections accordingly.

*Senate Amendment No. 6*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Page 28, Section 538.228, Line 23, by inserting after the word “treatment” the following:

**“to a patient”**; and

Further amend said section and page, Line 27, by inserting after the word “that” the following:

**“solely”**; and

Further amend said section, Page 29, Lines 2 to 9, by striking all of said lines and insert in lieu thereof the following:

**“amended, shall not be”**; and

Further amend said section and page, Line 10, by striking the word “noneconomic” and inserting in lieu thereof the following:

**“civil”**; and

Further amend said section and page, Line 13, by inserting after the word “treatment” the following:

**“or unless the physician maintained, at the time of treatment, liability insurance coverage for such treatment”**; and

Further amend said section and page, Lines 15-17, by striking all of said lines and inserting in lieu thereof the following:

**“(2) Is certified in advance of the treatment as being rendered free of charge to the patient, with no compensation from any party or third-party provider, or any attempt to obtain compensation from any third-party provider.**

**For purposes of this section, a physician covered under the state legal expense fund under section 105.711, RSMo, shall not be construed as maintaining liability insurance coverage under this section.”.**

*Senate Amendment No. 7*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Page 24, Section 538.210, Line 4, by inserting after the closing bracket “]” the following:

**“(1) Such limitation shall also apply to any individual or entity, or their employees or agents that provide, refer, coordinate, consult upon, or arrange for the delivery of health care services to the plaintiff; and**

**(2) Who is a defendant in a lawsuit brought against a health care provider under this chapter, or who is a defendant in any lawsuit that arises out of the rendering of or the failure to render health care services. Such limitation shall apply to all claims for contribution.**

**3. No individual or entity whose liability is limited by the provisions of this chapter shall be liable to any plaintiff based on the actions or omissions of any other entity or person who is not an employee of that individual or entity whose liability is limited by the provisions of this chapter.**

**4.”; and**

Further amend the remaining subsections accordingly.

*Senate Amendment No. 9*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Page 31, Section 3, Line 5, by inserting immediately after said line the following:

**"Section 4. In any action against a health care provider for damages for personal injury or death arising out of the rendering of or the failure to render health care services, no person shall qualify as an expert witness on such issue unless at least fifty percent of such person’s professional time within the two-year period preceding the incident giving rise to the action is devoted to actual clinical practice in the same profession in which the defendant is licensed."**

Further amend the title and enacting clause accordingly.

*Senate Amendment No. 11*

AMEND Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 393, Page 20, Section 537.067, Lines 2-4, by striking all of the underlined language on said lines and inserting in lieu thereof the following:

**“if the defendant is found to bear fifty-one percent or more of fault, then the defendant shall be jointly and severally liable for the amount of the judgment rendered against the defendants. If a defendant is found to bear less than fifty-one percent of fault, then the defendant shall only be responsible for the percentage of the judgment for which the defendant is determined to be responsible by the trier of fact.**

**2. The defendants shall only be severally liable for the percentage of punitive damages for which fault is attributed to such defendant by the trier of fact.”.**

In which the concurrence of the House is respectfully requested.

**HOUSE BILL WITH SENATE AMENDMENTS**

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

Representative Byrd moved that the House refuse to adopt **SS SCS HCS HB 393, as amended**, and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

### **REFERRAL OF HOUSE RESOLUTION**

The following House Resolution was referred to the Committee indicated:

**HR 1176** - Special Committee on General Laws

### **REFERRAL OF HOUSE CONCURRENT RESOLUTIONS**

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

**HCR 5** - Utilities

**HCR 6** - Veterans

**HCR 7** - Ways and Means

**HCR 8** - Retirement

### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HB 268** - Ways and Means

**HB 403** - Retirement

**HB 424** - Local Government

**HB 464** - Special Committee on General Laws

**HB 593** - Crime Prevention and Public Safety

**HB 605** - Judiciary

**HB 621** - Children and Families

**HB 672** - Ways and Means

**HB 673** - Professional Registration and Licensing

**HB 674** - Health Care Policy

**HB 675** - Professional Registration and Licensing

**HB 685** - Corrections and Public Institutions

**HB 686** - Local Government

**HB 689** - Local Government

**HB 690** - Transportation

**HB 691** - Rules

**HB 692** - Ways and Means

**HB 693** - Judiciary

**HB 694** - Children and Families

**HB 695** - Children and Families

**HB 696** - Health Care Policy

**HB 697** - Transportation

**HB 698** - Conservation and Natural Resources

**HB 699** - Ways and Means

**HB 700** - Corrections and Public Institutions

**HB 701** - Job Creation and Economic Development

- HB 702** - Professional Registration and Licensing
- HB 703** - Agriculture Policy
- HB 704** - Workforce Development and Workplace Safety
- HB 705** - Transportation
- HB 708** - Rules
- HB 709** - Crime Prevention and Public Safety
- HB 711** - Job Creation and Economic Development
- HB 712** - Crime Prevention and Public Safety
- HB 713** - Ways and Means
- HB 714** - Judiciary
- HB 715** - Crime Prevention and Public Safety
- HB 717** - Insurance Policy
- HB 718** - Judiciary
- HB 719** - Judiciary
- HB 720** - Local Government
- HB 721** - Retirement
- HB 722** - Retirement
- HB 724** - Insurance Policy
- HB 725** - Professional Registration and Licensing
- HB 726** - Rules
- HB 727** - Small Business
- HB 728** - Elections
- HB 731** - Elections
- HB 732** - Local Government
- HB 733** - Insurance Policy
- HB 734** - Job Creation and Economic Development
- HB 735** - Children and Families
- HB 738** - Professional Registration and Licensing
- HB 743** - Corrections and Public Institutions

#### **RE-REFERRAL OF HOUSE BILL**

The following House Bill was re-referred to the Committee indicated:

- HB 591** - Transportation

#### **REFERRAL OF SENATE CONCURRENT RESOLUTION**

The following Senate Concurrent Resolution was referred to the Committee indicated:

- SCR 3** - Rules



## COMMITTEE REPORTS

### **Committee on Administration and Accounts**, Chairman Wright (137) reporting:

Mr. Speaker: Your Committee on Administration and Accounts, to which was referred **HR 1117**, 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. 1117

WHEREAS, Section 21.155, RSMo, provides that the House of Representatives may, by resolution, continue in employment such number of efficient employees after any adjournment of a regular session or sine die adjournment of the General Assembly as may be necessary for operation of the House; and

WHEREAS, the House of Representatives will have need for secretarial, administrative, and research, budget, and support staff after the adjournment of the House on May 13, 2005; and

WHEREAS, employees of the House of Representatives are designated and funded in House Bill No. 12, including those employees who may be needed for veto, special, or extraordinary sessions of the House:

NOW, THEREFORE, BE IT RESOLVED that the Missouri House of Representatives, Ninety-third General Assembly, may employ for the period between May 13, 2005, and January 4, 2006, such employees as are necessary to perform the duties of the House, not to exceed that amount authorized pursuant to appropriation. Such employees shall include necessary secretarial, administrative, and research, budget, and support staff personnel appointed by the Speaker whose terms of employment are established by the Committee on Administration and Accounts.

Mr. Speaker: Your Committee on Administration and Accounts, to which was referred **HB 219**, 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 Agriculture Policy**, Chairman Myers reporting:

Mr. Speaker: Your Committee on Agriculture Policy, to which was referred **HB 528**, 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 Agriculture Policy, to which was referred **HB 563**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

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

Mr. Speaker: Your Committee on Children and Families, to which was referred **HB 568**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Committee on Conservation and Natural Resources**, Chairman Hobbs reporting:

Mr. Speaker: Your Committee on Conservation and Natural Resources, to which was referred **HB 33**, 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 Conservation and Natural Resources, to which was referred **HB 455**, 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 Elections**, Chairman May reporting:

Mr. Speaker: Your Committee on Elections, to which was referred **HB 255**, 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 Elections, to which was referred **HB 525**, 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 Elementary and Secondary Education**, Chairman Cunningham (86) reporting:

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HCR 25**, 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.

HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE CONCURRENT RESOLUTION NO. 25

WHEREAS, obesity among the children of Missouri is at epidemic stages and can lead to poor health conditions and chronic diseases, such as heart disease, stroke, diabetes, and cancer; and

WHEREAS, Medicaid and other health care costs are escalating in Missouri and are significantly impacted by obesity; and

WHEREAS, adequate physical activity helps children grow, develop, and do well in school; and

WHEREAS, school-based health education and physical education programs teach young people to acquire an active lifestyle; and

WHEREAS, healthy bodies and minds are major contributors to readiness to learn, to improved school attendance, and to improved performance in sports and other extracurricular activities; and

WHEREAS, the General Assembly needs to identify long-term strategies to reduce the need for public assistance programs and to lower health care costs related to chronic diseases and poor health:

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 supports implementation of school

policies that ensure a healthy environment in our schools by increasing the physical education requirements for kindergarten through twelfth grade. This requirement would ensure daily physical education for kindergarten through eighth grade and increase the high school requirement to a minimum of two credits; 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 Director of the Missouri Department of Elementary and Secondary Education and that the Director of the Department of Elementary and Secondary Education distribute a copy to every school district in Missouri.

Mr. Speaker: Your Committee on Elementary and Secondary Education, to which was referred **HB 258**, 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 Elementary and Secondary Education, to which was referred **HB 276**, 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 Elementary and Secondary Education, to which was referred **HB 473**, 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 Elementary and Secondary Education, to which was referred **HB 539**, 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 Insurance Policy**, Chairman Yates reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **HB 394**, 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 Judiciary**, Chairman Byrd reporting:

Mr. Speaker: Your Committee on Judiciary, to which was referred **HB 628**, 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 Judiciary, to which was referred **HB 630**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Committee on Local Government**, Chairman Johnson (47) reporting:

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 180**, 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 Local Government, to which was referred **HB 260**, 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 Local Government, to which was referred **HB 395**, 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 Local Government, to which was referred **HB 450**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Local Government, to which was referred **HB 577**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Committee on Professional Registration and Licensing**, Chairman Behnen reporting:

Mr. Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 600**, 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 Retirement**, Chairman Smith (118) reporting:

Mr. Speaker: Your Committee on Retirement, to which was referred **HB 261**, 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 Retirement, to which was referred **HB 323**, 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 Retirement, to which was referred **HB 334**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Retirement, to which was referred **HB 443**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

Mr. Speaker: Your Committee on Retirement, to which was referred **HB 606**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**, and pursuant to Rule 25(26)(f) be referred to the Committee on Rules.

**Committee on Senior Citizen Advocacy**, Chairman Bruns reporting:

Mr. Speaker: Your Committee on Senior Citizen Advocacy, to which was referred **HB 649**, 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 Senior Citizen Advocacy, to which was referred **HB 681**, 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 Ways and Means**, Chairman Sutherland reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 321**, 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 Rules**, Chairman Cooper (120) reporting:

Mr. Speaker: Your Committee on Rules, to which was referred **HB 69**, 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 **HB 177**, 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 HB 231**, 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 HB 232**, 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 HB 388**, 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 402**, 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 **HB 456**, 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 474**, 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 **HB 486**, 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 508**, 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 515**, 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 576**, 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 596**, 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 **HB 638**, 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 **HB 678**, 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 **HB 684**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent, with no time limit for debate.**

#### **ADVANCEMENT OF CONSENT BILLS**

Pursuant to Rule 44(b), the following bills, having remained on the House Consent Calendar for Perfection for five legislative days, were ordered perfected and printed by consent with all committee substitutes and committee amendments thereto adopted and perfected by consent: **HCS HB 47, HCS HBs 163, 213 & 216 and HB 592.**

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

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

**HJR 23**, introduced by Representatives Emery, Rector, Bivins, Hunter, Phillips, Stevenson, Faith, Sander, Threlkeld, Schlottach, Wasson, Kraus, Kelly, Nieves, Davis, May, Black, McGhee, Wallace, Kingery, Day, Wright (137), Roark, Richard, Bivins, Nance, Chinn, Wood, Cooper (155), Nolte, Wilson (119), Guest, Dempsey, Moore, Pollock, Sater, Fisher, Cooper (158), Wright (159), Lembke, Ervin, Parker, Icet, Baker (123), Smith (14), Weter, Jones, Avery, Wells, Dougherty, Selby, Myers,

Dethrow, Self, Bearden, Hobbs, Tilley, Schad, Smith (118), Parson, Ruestman, Swinger, Cunningham (145), Jackson, Brown (30), Munzlinger, Quinn, Kratky, Muschany, Robb, Denison and Wilson (130), relating to impeachment trials.

### **INTRODUCTION OF HOUSE BILLS**

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

**HB 763**, introduced by Representatives Kuessner, Jetton, Barnitz and Dethrow, relating to the establishment and authorization of the positions of drug court commissioner and drug court administrator in the forty-second judicial circuit.

**HB 764**, introduced by Representative Byrd, relating to disqualification of judges.

**HB 765**, introduced by Representatives George and Walsh, relating to the designation of a certain highway.

**HB 766**, introduced by Representatives Lampe, Chappelle-Nadal, Oxford, Aull, Brown (50), Casey, Roorda, Meadows, Storch, Low (39), Hughes, Baker (25), Rucker, Robinson, Swinger and Bowman, relating to the designation of a memorial highway.

**HB 767**, introduced by Representative Jolly, relating to concealed carry endorsements.

**HB 768**, introduced by Representative Fraser, relating to mercury emission.

**HB 769**, introduced by Representative Page, relating to school bus seat belts.

**HB 770**, introduced by Representatives Schneider, Johnson (47), Faith, Deeken, Smith (118), Dempsey, Jones, Moore, Self, Denison, Bruns, Meiners, Walsh, Bivins, Meadows, George, McGhee, Nolte, Wallace, Richard, Parker, Chinn, Nance, Black, Ervin, Byrd, Rector, Wright (159), Kraus, Viebrock, Salva, Brown (50), Darrough and Corcoran, relating to medical and laboratory test results.

**HB 771**, introduced by Representatives Baker (123), Bearden, Corcoran, Icet, Swinger, Pearce, Kingery and Dempsey, relating to education.

**HB 772**, introduced by Representatives Kuessner, Henke, Swinger, Robinson and Witte, to authorize the governor to convey land owned by the state to the City of Pilot Knob.

**HB 773**, introduced by Representatives Harris (23), Bringer, Wagner, Liese, Darrough, Selby, Harris (110), Baker (25), Page, Low (39), Wildberger, Yaeger, Swinger, Meadows, Jolly, Walton and Witte, relating to post-arrest release.

**HB 774**, introduced by Representatives Storch, Oxford, Low (39), Hubbard, Baker (25), Boykins, Fraser, Jolly, Zweifel, Wright-Jones, Johnson (61) and Donnelly, relating solely to the creation of an earned income tax credit.

**HB 775**, introduced by Representatives Parker, Kraus, Sander, Smith (118), Schneider, Chappelle-Nadal, Shoemyer, Robb, Davis, Pearce, Deeken and Stevenson, relating to gaming.

**HB 776**, introduced by Representative Dixon, relating to enhanced punishment for certain crimes.

**HB 777**, introduced by Representative Schlottach, relating to the enforcement of certain federal or state orders prohibiting the operation of commercial motor vehicles.

### WITHDRAWAL OF HOUSE CONCURRENT RESOLUTION

TO: Steve Davis  
FROM: Mark Wright  
DATE: March 10, 2005

Mr. Clerk, I respectfully request that **House Concurrent Resolution No. 26** be withdrawn. Thank you for your assistance in this matter.

### ADJOURNMENT

On motion of Representative Dempsey, the House adjourned until 4:00 p.m., Monday, March 14, 2005.

### CORRECTIONS TO THE HOUSE JOURNAL

#### AFFIDAVIT

I, State Representative Melba Curls, District 41, hereby state and affirm that my vote as recorded on the motion to third read and pass House Bill No. 100 in the House Journal for Thursday, March 10, 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 10th day of March 2005.

/s/ Melba Curls  
State Representative

State of Missouri        )  
                                  ) ss.  
County of Cole         )

Subscribed and sworn to before me this 10th day of March in the year 2005.

/s/ Stephen S. Davis  
Chief Clerk

Correct House Journal, Thirty-sixth Day, Wednesday, March 9, 2005, Page 555, Line 18, by deleting the word "it" and inserting in lieu thereof the words, "the House Committee Substitute".

Page 560, Line 26, by deleting the numeral "764" and inserting in lieu thereof the numeral "754".



## COMMITTEE MEETINGS

### BUDGET

Tuesday, March 15, 2005, 8:00 a.m. Hearing Room 3.

Executive session may follow.

Public hearing to be held on: HJR 12

### CORRECTIONS AND PUBLIC INSTITUTIONS

Wednesday, March 16, 2005, 8:00 a.m. Hearing Room 4.

Public hearing to be held on: HB 661

Executive session will be held on: HB 491

### ELECTIONS

Tuesday, March 15, 2005, 6:00 p.m. Hearing Room 5.

Executive session will precede the hearing.

Public hearings to be held on: HJR 14, HJR 7

### FINANCIAL INSTITUTIONS

Tuesday, March 15, 2005, 12:00 p.m. Hearing Room 6.

Executive session may follow.

Public hearings to be held on: HB 647, HB 707

### HEALTH CARE POLICY

Monday, March 14, 2005, House Chamber south side gallery upon afternoon adjournment.

Executive session.

### HIGHER EDUCATION

Tuesday, March 15, 2005, 12:00 p.m. Hearing Room 4.

Executive session.

Public hearing to be held on: HB 530

### JOINT COMMITTEE ON GAMING AND WAGERING

Wednesday, March 16, 2005, 9:00 a.m. Hearing Room 4.

Elections of Officers.

### RULES

Monday, March 14, 2005, 12:00 p.m. Hearing Room 4.

Executive session may follow.

Committee will recess and continue after adjournment if needed. AMENDED

Public hearings to be held on: HCS HB 108, HCS HB 362, HCS HB 422,

HCS HB 631, HB 236, HB 453, HCS HB 531, HB 280, HCS HB 462 & 463,

HB 118, HCS HB 513, HB 487, HB 618, HB 43, HB 53, HB 155, SCR 3

### SPECIAL COMMITTEE ON URBAN ISSUES

Monday, March 14, 2005, 6:00 p.m. Location to be announced.

Executive session will be held on: HB 639

**WAYS AND MEANS**

Monday, March 14, 2005, Hearing Room 4 upon evening adjournment.

Executive session will be held on: HB 64, HB 222

**HOUSE CALENDAR**

THIRTY-EIGHTH DAY, MONDAY, MARCH 14, 2005

**HOUSE JOINT RESOLUTION FOR SECOND READING**

HJR 23

**HOUSE BILLS FOR SECOND READING**

HB 763 through HB 777

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 348 - Pearce
- 2 HCS HB 58 - Johnson (47)
- 3 HB 344 - Baker (123)
- 4 HB 376 - Guest
- 5 HB 564 - Boykins
- 6 HCS HB 437 - Jackson
- 7 HCS HB 208 - Icet

**HOUSE BILLS FOR PERFECTION - CONSENT**

(3/07/05)

- 1 HB 269 - Bruns
- 2 HB 361 - Lipke
- 3 HCS HB 580 - Byrd

(3/08/05)

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

(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

#### **HOUSE BILL FOR THIRD READING**

HCS HB 174 - Wood

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

- 1 HB 40, E.C. - Tilley
- 2 HCS HB 56 - Threlkeld
- 3 HB 127 - Bivins
- 4 HCS HB 47, E.C. - Brown (30)
- 5 HCS HB 163, 213 & 216, E.C. - Smith (14)
- 6 HB 592 - Cooper (120)

#### **BILL CARRYING REQUEST MESSAGE**

SS SCS HCS HB 393, as amended, (request Senate recede/grant conference) - Byrd

#### **BILL IN CONFERENCE**

HCS SS SCS SB 1 & 130, as amended - Hunter

**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)