

# JOURNAL OF THE HOUSE

First Regular Session, 93rd GENERAL ASSEMBLY

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FORTY-EIGHTH DAY, TUESDAY, APRIL 5, 2005

The House met pursuant to adjournment.

Speaker Jetton in the Chair.

Prayer by Father Donald W. Lammers.

Let us pray, on this day of voting.

Lord our God, we thank You for creating humankind in Your image and likeness. You gave us the ability to “choose the good” (Isaiah 7:15), as one of our highest forms of acting the way You act.

We pray for the people, the citizens of our state. Inspire them to go to the polls and carefully to “choose the good” as they vote today. In this simple act, help them experience their personal dignity, their individual power, and the fulfillment of their duty before all the people and even before You, their God.

When the voting is over, give us the humility to discern the meaning of the results. In all our work in this House of Representatives, guide and help us to carefully “choose the good”. Whenever we vote here, may we experience our own dignity of being created in Your image and likeness. Inspire us to cast our votes in the way we believe to be most in harmony with Your will.

We pray to You, who are our God 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: Ryan Stellhorn, Christian Winkelmann, Mitchell Brungard, Jimmy Colestock, Patrick Rice, Joseph Benoist, Tawner Stefan, Dainec Stefan, Allison Cecil, Logan Darnell, Jackie Hall, Woody Hall, Karissa Forrest, Brooke Simms, Brian VanMeter, Daylon Duncan, Carrie Schmidt and Avery J. Adams.

The Journal of the forty-seventh day was approved as corrected.

## SPECIAL RECOGNITION

Ms. Cathy Clear was introduced by Representative McGhee and recognized as an Outstanding Missourian.

General Randal Castro was introduced by Representative Day and recognized as an Outstanding Missourian.

General Castro addressed the House.

### HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1783 - Representative Avery  
House Resolution No. 1784  
through  
House Resolution No. 1791 - Representative Lager  
House Resolution No. 1792 - Representative Stevenson  
House Resolution No. 1793  
through  
House Resolution No. 1795 - Representative Fraser  
House Resolution No. 1796 - Representative Flook  
House Resolution No. 1797 - Representative Myers  
House Resolution No. 1798 - Representative Donnelly  
House Resolution No. 1799 - Representative Yaeger  
House Resolution No. 1800  
and  
House Resolution No. 1801 - Representative Wilson (119)

### COMMITTEE REPORT

**Committee on Fiscal Review**, Chairman Guest reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 394**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Speaker Pro Tem Bearden assumed the Chair.

### PERFECTION OF HOUSE BILLS

**HCS HB 388**, relating to insurance compliance audits, was taken up by Representative Yates.

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

#### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 388, Section 375.1065, Page 4, Line 4, by deleting the words, "**or administrative**"; and

Further amend said section, Page 4, Line 14, after the words, "**of a criminal offense**" by inserting the following words, "**and the prosecuting attorney or attorney general has made a good faith request or lawful subpoena for the information**"; and

Further amend said section, Page 4, Line 14, by inserting after all of said line the following:

**"4. In any administrative or civil proceeding initiated by the director, the administrative hearing officer or court may, after an in-camera review, require public disclosure of material for which the privilege established in section 375.1064 is asserted, if the administrative hearing officer or court determines at least one of the following:**

(1) **The privilege is asserted for a fraudulent purpose;**  
(2) **The material is not subject to the privilege; or**  
(3) **The material contains evidence relevant to a breach of a civil duty owed by the insurer to others, and the director is unable to obtain the substantial equivalent of the information by independent means without incurring unreasonable cost and delay.”; and**

Further amend said bill, Section 375.1066, Page 4, Line 2, after the words, “**in-camera hearing**” insert the words, “**pursuant to section 375.1065**”; and

Further amend said section, Page 4, Line 4, after the words, “**to this subsection**” insert the following, “**within forty-five days of the insurer’s receipt of the request for disclosure**”; and

Further amend said section, Page 4, Line 15, after the words, “**camera review**” insert the following, “**pursuant to subsection 2 or 3 of section 375.1065**”; and

Further amend said section, Page 4, Line 16, by deleting the words, “**or administrative**”; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 388, Page 3, Section 375.1063, Line 27, by inserting after the number “**375.012**” the words “**and those insurance companies operating under the provisions of chapter 383, RSMo**”; and

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

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

Representative Burnett offered **House Amendment No. 3**.

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 388, Page 4, Section 375.1065.2, Line 5, after the word “disclosure”, insert the following words:

“and order the admissibility of, if otherwise competent”; and

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

On motion of Representative Burnett, **House Amendment No. 3** was adopted.

On motion of Representative Yates, **HCS HB 388, as amended**, was adopted.

On motion of Representative Yates, **HCS HB 388, as amended**, was ordered perfected and printed.

Representative Behnen assumed the Chair.

**HCS HB 64**, relating to a sales and use tax holiday, was taken up by Representative Sutherland.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 64, Page 2, Section 144.049, Line 45, by inserting before the word, “order” the words, “**ordinance or**”; and

Further amend said bill, Page 2, Section 144.049, Line 46, by inserting a “.” after the words, “local sales tax”; and

Further amend said bill, Page 2, Section 144.049, Line 46, by deleting the following words, “however, no such order shall”; and

Further amend said bill, Page 2, Section 144.049, Lines 47-64, by deleting all of said lines and inserting in lieu thereof the following:

**“After opting out the political subdivision may rescind the ordinance or order, provided that such order or ordinance shall be enacted not less than 45 calendar days prior to the beginning date of the sales tax holiday occurring in that year.”**; and

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

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

**HCS HB 64, as amended**, was laid over.

**THIRD READING OF HOUSE BILL - CONSENT**

**HB 707**, relating to banks and financial institutions, was taken up by Representative Cunningham (145).

On motion of Representative Cunningham (145), **HB 707** was read the third time and passed by the following vote:

AYES: 147

Aull	Baker 123	Baker 25	Bearden	Behnen
Bivins	Black	Bowman	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
Dougherty	Dusenberg	El-Amin	Emery	Ervin
Faith	Fares	Fisher	Flook	Franz
Fraser	George	Goodman	Guest	Harris 110
Harris 23	Haywood	Henke	Hobbs	Hoskins
Hubbard	Hunter	Ice	Jackson	Johnson 47
Johnson 61	Jolly	Jones	Kelly	Kingery
Kratky	Kraus	Kuessner	Lager	Lampe

Lembke	LeVota	Liese	Lipke	Loehner
Low 39	Lowe 44	May	Meiners	Moore
Munzlinger	Muschany	Myers	Nance	Nieves
Nolte	Oxford	Page	Parker	Parson
Pearce	Phillips	Portwood	Pratt	Quinn
Rector	Richard	Roark	Robb	Robinson
Rucker	Ruestman	Rupp	Salva	Sander
Sater	Schaaf	Schad	Schlottach	Schneider
Schoemehl	Selby	Self	Shoemyer	Skaggs
Smith 118	Smith 14	Spreng	Stefanick	St. Onge
Storch	Sutherland	Threlkeld	Tilley	Viebrock
Villa	Vogt	Wagner	Wallace	Walsh
Walton	Wasson	Wells	Weter	Wildberger
Wilson 119	Wilson 130	Witte	Wood	Wright-Jones
Wright 137	Wright 159	Yaeger	Yates	Young
Zweifel	Mr Speaker			

NOES: 000

PRESENT: 001

Whorton

ABSENT WITH LEAVE: 014

Avery	Barnitz	Bean	Bland	Donnelly
Hughes	Johnson 90	Marsh	McGhee	Meadows
Pollock	Roorda	Stevenson	Swinger	

VACANCIES: 001

Representative Behnen declared the bill passed.

On motion of Representative Dempsey, the House recessed until 2:00 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. 1802 - Representative Lager  
House Resolution No. 1803  
through  
House Resolution No. 1815 - Representative Bruns  
House Resolution No. 1816  
through  
House Resolution No. 1822 - Representative Whorton  
House Resolution No. 1823 - Representative Lager

- House Resolution No. 1824  
through  
House Resolution No. 1829 - Representative Whorton  
House Resolution No. 1830 - Representative Wildberger  
House Resolution No. 1831 - Representative Viebrock  
House Resolution No. 1832 - Representative Avery  
House Resolution No. 1833 - Representative Bowman  
House Resolution No. 1834  
through  
House Resolution No. 1836 - Representative Wells  
House Resolution No. 1837 - Representative George  
House Resolution No. 1838 - Representative Roark  
House Resolution No. 1839  
and  
House Resolution No. 1840 - Representative Kraus  
House Resolution No. 1841  
through  
House Resolution No. 1854 - Representative Schad  
House Resolution No. 1855 - Representative Hunter, et al.  
House Resolution No. 1856  
through  
House Resolution No. 1860 - Representative Kingery  
House Resolution No. 1861 - Representative Behnen  
House Resolution No. 1862 - Representative Schneider  
House Resolution No. 1863 - Representative Wilson (119)

### PERFECTION OF HOUSE BILLS

**HCS HB 64, as amended**, relating to a sales and use tax holiday, was again taken up by Representative Sutherland.

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

#### *House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 64, Section 144.049, Page 2, Line 43, by inserting after all of said line the following:

**“5. This section may not apply to any retailer when less than two percent of their merchandise sold during the sales tax holiday is qualifying items under this section. The retailer may offer a sales tax refund in lieu of the sales tax holiday.”; and**

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

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

Representative Smith (118) offered **House Amendment No. 3.**

*House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 64, Page 2, Section 144.049, Line 42, by adding after the word “section” the following:

**“applies to sales of tangible personal property bought for personal use only.  
5. This section”**; and

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

On motion of Representative Smith (118), **House Amendment No. 3** was adopted.

On motion of Representative Sutherland, **HCS HB 64, as amended**, was adopted.

On motion of Representative Sutherland, **HCS HB 64, as amended**, was ordered perfected and printed.

**HCS HBs 518, 288, 418 & 635**, relating to highway safety, was taken up by Representative St. Onge.

Representative Cooper (120) assumed the Chair.

Representative Richard assumed the Chair.

On motion of Representative St. Onge, **HCS HBs 518, 288, 418 & 635** was adopted.

On motion of Representative St. Onge, **HCS HBs 518, 288, 418 & 635** was ordered perfected and printed.

**HB 700**, relating to endangerment at correctional facilities, was taken up by Representative Moore.

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

*House Amendment No. 1*

AMEND House Bill No. 700, Page 1, Line 3 of the Title, by deleting the words “endangerment of individuals at correctional facilities” and inserting in lieu thereof the words “department of corrections”; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after said line the following:

“217.690. 1. When in its opinion there is reasonable probability that an offender of a correctional center can be released without detriment to the community or to himself, the board may in its discretion release or parole such person except as otherwise prohibited by law. All paroles shall issue upon order of the board, duly adopted.

2. Before ordering the parole of any offender, the board shall have the offender appear before a hearing panel and shall conduct a personal interview with him, unless waived by the offender. A parole shall be ordered only for the best interest of society, not as an award of clemency; it shall not be considered a reduction of sentence or a pardon. An offender shall be placed on parole only when the board believes that he is able and willing to fulfill the obligations of

a law-abiding citizen. Every offender while on parole shall remain in the legal custody of the department but shall be subject to the orders of the board.

**3. The board has discretionary authority to require the payment of a fee, not to exceed sixty dollars per month, from every offender placed under board supervision on probation, parole, or conditional release, to waive all or part of any fee, to sanction offenders for willful nonpayment of fees, and to contract with a private entity for fee collections services. All fees collected shall be deposited in the inmate fund established in section 217.430. Fees collected may be used to pay the costs of contracted collections services. The fees collected may otherwise be used to provide community corrections and intervention services for offenders. Such services include substance abuse assessment and treatment, mental health assessment and treatment, electronic monitoring services, residential facilities services, employment placement services, and other offender community corrections or intervention services designated by the board to assist offenders to successfully complete probation, parole, or conditional release. The board shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to sanctioning offenders and with respect to establishing, waiving, collecting, and using fees.**

**4.** The board shall adopt rules not inconsistent with law, in accordance with section 217.040, with respect to the eligibility of offenders for parole, the conduct of parole hearings or conditions to be imposed upon paroled offenders. Whenever an order for parole is issued it shall recite the conditions of such parole.

[4.] **5.** When considering parole for an offender with consecutive sentences, the minimum term for eligibility for parole shall be calculated by adding the minimum terms for parole eligibility for each of the consecutive sentences, except the minimum term for parole eligibility shall not exceed the minimum term for parole eligibility for an ordinary life sentence.

[5.] **6.** Any offender under a sentence for first degree murder who has been denied release on parole after a parole hearing shall not be eligible for another parole hearing until at least three years from the month of the parole denial; however, this subsection shall not prevent a release pursuant to subsection 4 of section 558.011, RSMo.

[6.] **7.** Parole hearings shall, at a minimum, contain the following procedures:

(1) The victim or person representing the victim who attends a hearing may be accompanied by one other person;

(2) The victim or person representing the victim who attends a hearing shall have the option of giving testimony in the presence of the inmate or to the hearing panel without the inmate being present;

(3) The victim or person representing the victim may call or write the parole board rather than attend the hearing;

(4) The victim or person representing the victim may have a personal meeting with a board member at the board's central office;

(5) The judge, prosecuting attorney or circuit attorney and a representative of the local law enforcement agency investigating the crime shall be allowed to attend the hearing or provide information to the hearing panel in regard to the parole consideration; and

(6) The board shall evaluate information listed in the juvenile sex offender registry pursuant to section 211.425, RSMo, provided the offender is between the ages of seventeen and twenty-one, as it impacts the safety of the community.

[7.] **8.** The board shall notify any person of the results of a parole eligibility hearing if the person indicates to the board a desire to be notified.

[8.] **9.** The board may, at its discretion, require any offender seeking parole to meet certain conditions during the term of that parole so long as said conditions are not illegal or impossible for the offender to perform. These conditions may include an amount of restitution to the state for the cost of that offender's incarceration.

[9.] **10.** Nothing contained in this section shall be construed to require the release of an offender on parole nor to reduce the sentence of an offender heretofore committed.

[10.] **11.** Beginning January 1, 2001, the board shall not order a parole unless the offender has obtained a high school diploma or its equivalent, or unless the board is satisfied that the offender, while committed to the custody of the department, has made an honest good-faith effort to obtain a high school diploma or its equivalent; provided that the director may waive this requirement by certifying in writing to the board that the offender has actively participated in mandatory education programs or is academically unable to obtain a high school diploma or its equivalent.

**12. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.”; and**



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

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

On motion of Representative Moore, **HB 700, as amended**, was ordered perfected and printed.

**HB 375**, relating to a bridge designation, was taken up by Representative Nance.

On motion of Representative Nance, **HB 375** was ordered perfected and printed.

Speaker Pro Tem Bearden resumed the Chair.

### BILL IN CONFERENCE

**CCR SCS HCS HB 14, as amended**, relating to appropriations, was taken up by Representative Lager.

On motion of Representative Lager, **CCR SCS HCS HB 14, as amended**, was adopted by the following vote:

AYES: 141

Aull	Avery	Baker 123	Baker 25	Barnitz
Bean	Bearden	Behnen	Bivins	Black
Bland	Bowman	Bringer	Brown 30	Brown 50
Bruns	Burnett	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	Dougherty	Dusenberg	El-Amin	Emery
Ervin	Faith	Fares	Fisher	Flook
Franz	Fraser	George	Goodman	Guest
Harris 110	Harris 23	Haywood	Hobbs	Hoskins
Hubbard	Hunter	Icet	Jackson	Johnson 47
Jolly	Jones	Kelly	Kingery	Kratky
Kraus	Lager	Lampe	Lembke	LeVota
Liese	Lipke	Loehner	Low 39	Lowe 44
May	McGhee	Meiners	Moore	Munzlinger
Muschany	Myers	Nance	Nieves	Nolte
Page	Parker	Parson	Pearce	Phillips
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	St. Onge	Storch	Sutherland	Threlkeld
Tilley	Viebrock	Villa	Wagner	Wallace
Walsh	Wasson	Wells	Weter	Wildberger
Wilson 119	Wilson 130	Witte	Wood	Wright-Jones
Wright 137	Wright 159	Yates	Young	Zweifel
Mr Speaker				

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NOES: 003

Byrd                      Vogt                      Whorton

PRESENT: 006

Brooks                      Henke                      Johnson 61                      Kuessner                      Meadows  
Oxford

ABSENT WITH LEAVE: 012

Boykins                      Donnelly                      Hughes                      Johnson 90                      Marsh  
Pollock                      Roorda                      Skaggs                      Stevenson                      Swinger  
Walton                      Yaeger

VACANCIES: 001

On motion of Representative Lager, **CCS SCS HCS HB 14** was read the third time and passed by the following vote:

AYES: 139

Aull	Avery	Baker 123	Barnitz	Bean
Bearden	Behnen	Bivins	Bland	Bowman
Bringer	Brooks	Brown 30	Brown 50	Bruns
Burnett	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
Dougherty	Dusenberg	El-Amin	Emery	Ervin
Faith	Fares	Fisher	Flook	Franz
Fraser	George	Goodman	Guest	Harris 110
Harris 23	Haywood	Hobbs	Hoskins	Hubbard
Hunter	Icet	Jackson	Johnson 47	Johnson 61
Jolly	Jones	Kelly	Kingery	Kratky
Kraus	Lager	Lampe	Lembke	LeVota
Liese	Lipke	Loehner	Low 39	Lowe 44
May	McGhee	Meiners	Moore	Munzlinger
Muschany	Myers	Nance	Nieves	Nolte
Page	Parson	Pearce	Phillips	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
St. Onge	Storch	Sutherland	Threlkeld	Tilley
Viebrock	Villa	Wagner	Wallace	Walsh
Wasson	Wells	Weter	Wildberger	Wilson 119
Wilson 130	Witte	Wood	Wright-Jones	Wright 137
Wright 159	Yates	Young	Zweifel	

NOES: 003

Byrd                      Vogt                      Whorton

PRESENT: 004

Henke                      Kuessner                      Meadows                      Oxford

ABSENT WITH LEAVE: 016

Baker 25                      Black                      Boykins                      Donnelly                      Hughes  
 Johnson 90                      Marsh                      Parker                      Pollock                      Roorda  
 Skaggs                      Stevenson                      Swinger                      Walton                      Yaeger  
 Mr Speaker

VACANCIES: 001

Speaker Pro Tem Bearden declared the bill passed.

**PERFECTION OF HOUSE BILL**

**HCS HB 519**, relating to unemployment insurance, was taken up by Representative Roark.

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

*House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 519, Page 15, Section 288.110, Line 86, by inserting after all of said line the following:

"288.120. 1. On each June thirtieth, or within a reasonable time thereafter as may be fixed by regulation, the balance of an employer's experience rating account, except an employer participating in a shared work plan under section 288.500, shall determine his contribution rate for the following calendar year as determined by the following table:

Percentage the Employer's Experience Rating  
 Account is to that Employer's Average Annual Payroll

Equals or Exceeds	Less Than	Contribution Rate
-----	-12.0	6.0%
-12.0	-11.0	5.8%
-11.0	-10.0	5.6%
-10.0	-9.0	5.4%
-9.0	-8.0	5.2%
-8.0	-7.0	5.0%
-7.0	-6.0	4.8%
-6.0	-5.0	4.6%
-5.0	-4.0	4.4%
-4.0	-3.0	4.2%
-3.0	-2.0	4.0%
-2.0	-1.0	3.8%
-1.0	0	3.6%
0	2.5	2.7%
2.5	3.5	2.6%
3.5	4.5	2.5%
4.5	5.0	2.4%
5.0	5.5	2.3%
5.5	6.0	2.2%
6.0	6.5	2.1%
6.5	7.0	2.0%
7.0	7.5	1.9%

7.5	8.0	1.8%
8.0	8.5	1.7%
8.5	9.0	1.6%
9.0	9.5	1.5%
9.5	10.0	1.4%
10.0	10.5	1.3%
10.5	11.0	1.2%
11.0	11.5	1.1%
11.5	12.0	1.0%
12.0	12.5	0.9%
12.5	13.0	0.8%
13.0	13.5	0.6%
13.5	14.0	0.4%
14.0	14.5	0.3%
14.5	15.0	0.2%
15.0	----	0.0%

2. Using the same mathematical principles used in constructing the table provided in subsection 1 of this section, the following table has been constructed. The contribution rate for the following calendar year of any employer participating in a shared work plan under section 288.500 during the current calendar year or any calendar year during a prior three-year period shall be determined from the balance in such employer's experience rating account as of the previous June thirtieth, or within a reasonable time thereafter as may be fixed by regulation, from the following table:

Percentage the Employer's Experience Rating  
Account is to that Employer's Average Annual Payroll

Equals or Exceeds	Less Than	Contribution Rate
-----	-27.0	9.0%
-27.0	-26.0	8.8%
-26.0	-25.0	8.6%
-25.0	-24.0	8.4%
-24.0	-23.0	8.2%
-23.0	-22.0	8.0%
-22.0	-21.0	7.8%
-21.0	-20.0	7.6%
-20.0	-19.0	7.4%
-19.0	-18.0	7.2%
-18.0	-17.0	7.0%
-17.0	-16.0	6.8%
-16.0	-15.0	6.6%
-15.0	-14.0	6.4%
-14.0	-13.0	6.2%
-13.0	-12.0	6.0%
-12.0	-11.0	5.8%
-11.0	-10.0	5.6%
-10.0	-9.0	5.4%
-9.0	-8.0	5.2%
-8.0	-7.0	5.0%
-7.0	-6.0	4.8%
-6.0	-5.0	4.6%
-5.0	-4.0	4.4%
-4.0	-3.0	4.2%
-3.0	-2.0	4.0%
-2.0	-1.0	3.8%
-1.0	0	3.6%
0	2.5	2.7%
2.5	3.5	2.6%
3.5	4.5	2.5%

4.5	5.0	2.4%
5.0	5.5	2.3%
5.5	6.0	2.2%
6.0	6.5	2.1%
6.5	7.0	2.0%
7.0	7.5	1.9%
7.5	8.0	1.8%
8.0	8.5	1.7%
8.5	9.0	1.6%
9.0	9.5	1.5%
9.5	10.0	1.4%
10.0	10.5	1.3%
10.5	11.0	1.2%
11.0	11.5	1.1%
11.5	12.0	1.0%
12.0	12.5	0.9%
12.5	13.0	0.8%
13.0	13.5	0.6%
13.5	14.0	0.4%
14.0	14.5	0.3%
14.5	15.0	0.2%
15.0	----	0.0%

3. Notwithstanding the provisions of subsection 2 of section 288.090, any employer participating in a shared work plan under section 288.500 who has not had at least twelve calendar months immediately preceding the calculation date throughout which his account could have been charged with benefits shall have a contribution rate equal to the highest contribution rate in the table in subsection 2 of this section, until such time as his account has been chargeable with benefits for the period of time sufficient to enable him to qualify for a computed rate on the same basis as other employers participating in shared work plans.

4. Employers who have been taxed at the maximum rate pursuant to this section for two consecutive years shall have a surcharge of one-quarter percent added to their contribution rate calculated pursuant to this section **unless the balance in the trust fund is greater than or equal to four hundred fifty million dollars, then, no such surcharge shall be added.** In the event that an employer remains at the maximum rate pursuant to this section for a third or subsequent year, an additional surcharge of one-quarter percent shall be annually assessed **and if the balance in the trust fund remains less than or equal to four hundred fifty million dollars, then, an additional surcharge of one-quarter percent shall be assessed,** but in no case shall this surcharge cumulatively exceed **one-half** of one percent. [Additionally, if an employer continues to remain at the maximum rate pursuant to this section an additional surcharge of one-half percent shall be assessed.] In no case shall the total surcharge assessed to any employer exceed [one and] one-half percent in any given year."; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 519, Section 288.128, Page 18, Line 67, by deleting the word "for" and in lieu thereof the word "of"; and

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

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

**HCS HB 519, as amended**, was laid over.

### **REFERRAL OF SENATE BILLS**

The following Senate Bills were referred to the Committee indicated:

**SCS SB 68** - Ways and Means  
**SCS SB 170** - Conservation and Natural Resources  
**SB 192** - Conservation and Natural Resources  
**SB 216** - Judiciary  
**SCS SB 227** - Transportation  
**SCS SB 289** - Judiciary  
**SCS SB 310** - Ways and Means  
**SB 318** - Financial Institutions  
**SB 320** - Judiciary  
**SB 323** - Health Care Policy  
**SB 347** - Professional Registration and Licensing  
**SCS SB 354** - Transportation  
**SCS SB 355** - Agriculture  
**SB 357** - Retirement  
**SB 358** - Tourism  
**SB 361** - Local Government  
**SCS SB 372** - Transportation  
**SCS SB 374** - Transportation  
**SB 378** - Transportation  
**SB 380** - Special Committee on Urban Issues  
**SCS SB 390** - Transportation  
**SCS SB 392** - Corrections and Public Institutions  
**SB 394** - Financial Institutions  
**SB 396** - Ways and Means  
**SB 401** - Retirement  
**SB 404** - Judiciary  
**SB 405** - Judiciary  
**SCS SB 407** - Judiciary  
**SB 418** - Crime Prevention and Public Safety  
**SCS SBs 420 & 344** - Judiciary  
**SB 431** - Local Government  
**SCS SB 450** - Corrections and Public Institutions  
**SB 453** - Local Government  
**SB 464** - Corrections and Public Institutions  
**SB 479** - Elections  
**SB 480** - Elementary and Secondary Education  
**SB 488** - Transportation  
**SB 490** - Local Government  
**SCS SB 496** - Corrections and Public Institutions  
**SCS SB 502** - Corrections and Public Institutions

**SB 507** - Local Government  
**SB 516** - Job Creation and Economic Development  
**SB 518** - Health Care Policy  
**SB 521** - Special Committee on General Laws  
**SB 526** - Higher Education  
**SB 534** - Judiciary

### COMMITTEE REPORTS

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

Mr. Speaker: Your Committee on Corrections and Public Institutions, to which was referred **SCS SB 69**, 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 Financial Institutions**, Chairman Cunningham (145) reporting:

Mr. Speaker: Your Committee on Financial Institutions, to which was referred **SCS SB 270**, 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.

### 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 **SCS HCS HB 14**, as **amended**, and has taken up and passed **CCS SCS HCS HB 14**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SB 168**, entitled:

An act to amend chapters 213 and 431, RSMo, by adding thereto eight new sections relating to resolution of disputes concerning alleged defective residential construction, with an effective date for a certain section.

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 **SS SCS SB 462**, entitled:

An act to repeal section 393.145, RSMo, and to enact in lieu thereof two new sections relating to certain sewer and water corporations.

In which the concurrence of the House is respectfully requested.

The following member's presence was noted: Marsh.

## **ADJOURNMENT**

On motion of Representative Dempsey, the House adjourned until 2:00 p.m., Wednesday, April 6, 2005.

## **CORRECTION TO THE HOUSE JOURNAL**

Correct House Journal, Forty-fifth Day, Thursday, March 31, 2005, Page 816, Line 21, by inserting immediately after said line the following:

### **REFERRAL OF HOUSE BILLS - APPROPRIATIONS**

The following House Bills were referred to the Committee indicated:

- HB 1** - Budget
- HB 2** - Budget
- HB 3** - Budget
- HB 4** - Budget
- HB 5** - Budget
- HB 6** - Budget
- HB 7** - Budget
- HB 8** - Budget
- HB 9** - Budget
- HB 10** - Budget
- HB 11** - Budget
- HB 12** - Budget
- HB 13** - Budget

## **COMMITTEE MEETINGS**

### **BUDGET**

Wednesday, April 6, 2005, 8:00 a.m. Hearing Room 3.

Markup. House Bills 1 through 13.

Executive session may follow.

Committee will adjourn at 2:00 p.m. AMENDED

Public hearing to be held on: HJR 12

### **BUDGET**

Wednesday, April 6, 2005, 6:00 p.m. Hearing Room 3.

Markup. House Bills 1 through 13.

Executive session may follow.

Committee will adjourn at 10:00 p.m.



**BUDGET**

Thursday, April 7, 2005, 8:00 a.m. Hearing Room 3.  
Committee will adjourn at 10:00 a.m. House Bills 1 through 13.  
Executive session may follow.

**BUDGET**

Thursday, April 7, 2005, 2:00 p.m. Hearing Room 3.  
Markup. House Bills 1 through 13.  
Executive session may follow.

**CHILDREN AND FAMILIES**

Wednesday, April 6, 2005, 8:00 a.m. Hearing Room 7.  
Executive session may follow. AMENDED  
Public hearings to be held on: HB 452, HB 536, SB 21, SCS SB 501

**CONSERVATION AND NATURAL RESOURCES**

Wednesday, April 6, 2005, Hearing Room 1 upon evening adjournment.  
Executive session may follow.  
Public hearings to be held on: HB 824, HB 549, HB 698, HB 706, SS SJR 1

**CONSERVATION AND NATURAL RESOURCES**

Thursday, April 7, 2005, Hearing Room 1 upon afternoon adjournment.  
Executive session.

**CORRECTIONS AND PUBLIC INSTITUTIONS**

Wednesday, April 13, 2005, 8:00 a.m. Hearing Room 4.  
Executive session may follow.  
Public hearings to be held on: SB 174, SB 288, SB 364, SCS SB 450, SCS SB 502

**ELEMENTARY AND SECONDARY EDUCATION**

Wednesday, April 6, 2005, 9:15 a.m. Hearing Room 4.  
Executive session may follow.  
Public hearings to be held on: SCS SBs 103 & 115, SCS SB 161,  
SCS SB 266, SB 298, SB 299, SCS SB 302, SB 306

**ELEMENTARY AND SECONDARY EDUCATION**

Thursday, April 7, 2005, 8:00 a.m. Hearing Room 4.  
Executive session may follow.  
Public hearings to be held on: HB 831, HB 842, HB 514, HB 329

**HEALTH CARE POLICY**

Wednesday, April 6, 2005, 8:00 a.m. Hearing Room 6.  
Executive session may follow.  
Public hearing to be held on: HB 636

#### HEALTH CARE POLICY

Thursday, April 7, 2005, 8:30 a.m. Hearing Room 5.

Executive session may follow. AMENDED

Public hearings to be held on: HB 802, HB 805, HB 835, SB 323, SB 518

#### JOB CREATION AND ECONOMIC DEVELOPMENT

Wednesday, April 6, 2005, 12:00 p.m. Hearing Room 6.

Executive session may follow. AMENDED

Public hearings to be held on: HB 854, HB 863, SCS SB 70, SB 156, SB 99

#### JOINT COMMITTEE ON TERRORISM, BIOTERRORISM AND HOMELAND SECURITY

Thursday, April 7, 2005, 8:30 a.m. House Lounge.

Vote to approve the 12-7-04 report of the Joint Committee on  
Terrorism, Bioterrorism and Homeland Security.

#### JUDICIARY

Thursday, April 7, 2005, Hearing Room 7 upon morning adjournment.

Executive session.

Hearing will begin thirty minutes upon adjournment.

#### LOCAL GOVERNMENT

Thursday, April 7, 2005, 8:00 a.m. Hearing Room 6.

Executive session may follow. AMENDED

Public hearings to be held on: SCS SB 138, SS SCS SB 210,  
SCS SB 262, SB 268, SCS SB 57, SB 242, SB 307

#### PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, April 6, 2005, 12:00 p.m. Hearing Room 1. AMENDED

Public hearings to be held on: HB 554, HB 855, SCS SB 28, SB 177, SB 178

Executive session may be held on: HB 61, HB 652, HB 662,  
HB 665, HB 702, HB 803, HB 855

#### RETIREMENT

Wednesday, April 6, 2005, 6:00 p.m. Hearing Room 7.

Executive session may follow. AMENDED

Public hearings to be held on: HB 804, HB 327, HB 721, SB 317

#### RULES

Wednesday, April 6, 2005, 1:00 p.m. Hearing Room 2.

Executive session may follow.

Public hearings to be held on: HB 412, HCS HB 66, HB 679,  
HCS HB 640, HB 116, HCS HB 586, SS SCS SB 179

**RULES**

Wednesday, April 6, 2005, House Chamber side gallery upon afternoon adjournment.  
Executive session may follow.  
Public hearings to be held on: SCS SB 69, HCS SCS SB 270

**SENIOR CITIZEN ADVOCACY**

Thursday, April 7, 2005, 8:00 a.m. Hearing Room 1.  
Executive session may follow.  
Public hearings to be held on: HB 816, HB 827, HB 859

**SMALL BUSINESS**

Wednesday, April 6, 2005, 12:00 p.m. Hearing Room 4.  
Executive session may follow.  
Public hearings to be held on: SB 141, SB 173, SB 211

**SPECIAL COMMITTEE ON URBAN ISSUES**

Wednesday, April 6, 2005, Hearing Room 4 upon evening adjournment.  
Executive session may follow.  
Public hearings to be held on: HB 880, SCS SB 246

**TRANSPORTATION**

Wednesday, April 6, 2005, 8:00 a.m. Hearing Room 1.  
Executive session may follow. AMENDED  
Public hearings to be held on: HB 612, HB 777, HB 760, HB 632,  
HB 223, HB 147, SB 38, SB 209, SCS SB 233

**UTILITIES**

Wednesday, April 6, 2005, 12:00 p.m. Hearing Room 5.  
Executive session may follow.  
Public hearing to be held on: SS SCS SB 237

**WAYS AND MEANS**

Wednesday, April 6, 2005, Hearing Room 5 upon evening adjournment.  
Executive session may follow. AMENDED  
Public hearings to be held on: HB 912, HB 779, SCS SB 267, SCS SB 238,  
SB 189, SCS SB 222, SCS SB 68, SCS SB 310, SB 396

**WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY**

Wednesday, April 6, 2005, 12:00 p.m. Hearing Room 7.  
Executive session may follow.  
Public hearings to be held on: HB 828, HB 881

**HOUSE CALENDAR**

FORTY-NINTH DAY, WEDNESDAY, APRIL 6, 2005

**HOUSE BILLS FOR PERFECTION**

- 1 HB 344 - Baker (123)
- 2 HB 376 - Guest
- 3 HCS HB 576 - Flook
- 4 HCS HB 286 - Bland
- 5 HCS HB 519, as amended - Roark (3 hours debate on Perfection)
- 6 HB 539 - Icet
- 7 HCS HB 474 - Yates
- 8 HCS HB 628 - Byrd
- 9 HCS HB 639 - Cunningham (86)
- 10 HB 410 - Flook
- 11 HCS HB 532 - Spreng
- 12 HCS HB 255 - Cunningham (86)
- 13 HCS HB 387 - Byrd
- 14 HCS HB 525 - May
- 15 HB 530 - Moore
- 16 HCS HB 353 - Lipke (2 hours debate on Perfection)
- 17 HB 205 - Salva
- 18 HCS HB 49 & 50 - Jolly
- 19 HCS HB 209 - Cooper (120)
- 20 HCS HB 461 - Sutherland
- 21 HCS HB 36 - Davis
- 22 HCS HB 400 - Yates
- 23 HB 320 - Muschany
- 24 HB 417 - Yates
- 25 HCS HB 440 - Pratt
- 26 HCS HB 649 - Fares

**HOUSE BILL FOR PERFECTION - FEDERAL MANDATE**

HCS HB 276 - Cunningham (86)

**HOUSE JOINT RESOLUTION FOR THIRD READING**

HCS HJR 16 - Chinn

**HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 394 - Byrd
- 2 HCS HB 388 - Yates
- 3 HCS HB 64, E.C. - Sutherland

- 4 HCS HB 518, 288, 418 & 635 - St. Onge
- 5 HB 700 - Moore
- 6 HB 375 - Nance

**HOUSE BILL FOR THIRD READING - FEDERAL MANDATE**

HB 738, E.C. - Behnen

**HOUSE BILL FOR THIRD READING - CONSENT**

HCS HB 508, E.C. - Pratt

**SENATE BILLS FOR SECOND READING**

- 1 SS SCS SB 168
- 2 SS SCS SB 462

**SENATE BILLS FOR THIRD READING**

- 1 HCS SCS SBs 202, 33, 45, 183 & 217, E.C. - Smith (118)
- 2 SS SB 539 - Stefanick (7 hours debate on Third Reading)

**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)
- 5 HCR 20, (3-09-05, Page 553) - Rupp
- 6 HCS HCR 24, (3-30-05, Pages 777-778) - Bowman

**HOUSE RESOLUTION**

HR 1117, (3-10-05, Page 587) - Wright (137)