

JOURNAL OF THE HOUSE

Second Regular Session, 92nd GENERAL ASSEMBLY

THIRTY-FIFTH DAY, TUESDAY, MARCH 9, 2004

The House met pursuant to adjournment.

Speaker Hanaway in the Chair.

Prayer by Reverend Donald W. Lammers.

Lord God, You are the Creator of all. We, together and individually, are the work of Your hands.

In the words of the psalmist we pray, "For You make me glad, O Lord, by Your deeds; at the works of Your hands, I rejoice." (Psalm 92:5)

O Lord, we are hard at work this morning. May our work imitate Your work through our great concern for the well-being of those whom we serve. May our work give You honor by our integrity throughout the day.

In faith we receive this teaching: "Entrust your work to the Lord, and your plans will succeed." (Proverbs 16:3)

And in prayer we ask, "Prosper the work of our hands for us! Prosper the work of our hands!" (Psalm 90:17)

You are our Creator and 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: Kyle Burrow, Michelle Kohler, Raenna Skinner, Kyle Moritz, Millicent P. Belt, Lara Bopp, Courtney Dull, Kathy Merkel, Randy Downs, Katie Monzyk, Joe Kamphoefner, Jake Voss, Antonio Flores, Antonio Hernandez, Joyce Salazar, Caleb Bethard, Jaclyn Rohrs, Tonya Goosen and Emily R. DeGregorio.

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

SPECIAL RECOGNITION

Mayor Gerald Gilkey was introduced by Representative Emery and recognized as an Outstanding Missourian.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

| | | |
|--------------------------|---|--|
| House Resolution No. 950 | - | Representative Kelly (144) |
| House Resolution No. 951 | - | Representative Shoemaker |
| House Resolution No. 952 | | |
| through | | |
| House Resolution No. 965 | - | Representative St. Onge |
| House Resolution No. 966 | - | Representative Byrd |
| House Resolution No. 967 | - | Representative Zweifel |
| House Resolution No. 968 | | |
| and | | |
| House Resolution No. 969 | - | Representative Shoemyer |
| House Resolution No. 970 | - | Representative Nieves |
| House Resolution No. 971 | - | Representatives Johnson (47) and Baker |
| House Resolution No. 972 | - | Representative Yates |

INTRODUCTION OF HOUSE BILLS

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

HB 1641, introduced by Representatives Page, Zweifel, Donnelly, Bishop, Dougherty, Johnson (90), Skaggs, Henke, Willoughby, LeVota, Young, Kuessner, Walsh, Harris (110), Yaeger, Bringer, Muckler, Riback Wilson (25), Daus, George, Harris (23), Lowe, Liese, Burnett, Hoskins, Barnitz, Wildberger, Schoemehl, Meadows, Salva, Walker, Fraser, Boykins, Walton, Bland, El-Amin and Hubbard, relating to the coordination of benefits for the Medicare Prescription Drug, Improvement and Modernization Act of 2003.

HB 1642, introduced by Representatives Dempsey, Wildberger, Black, Schlottach, Page, Richard, Pearce, Reinhart, Ervin and Munzlinger, relating to life sciences reinvestment districts.

HB 1643, introduced by Representative Johnson (47), relating to police military leave.

HB 1644, introduced by Representative McKenna, relating to powers of certain first classification counties.

HB 1645, introduced by Representative Kelly (144), relating to enterprise zones.

HB 1646, introduced by Representatives Engler, Quinn, Wilson (130), Byrd, Stefanick and Yates, relating to false claims against the state.

HB 1647, introduced by Representatives Riback Wilson (25), Campbell and Holand, relating to licensing and permit fees.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 32 was read the second time.

SECOND READING OF HOUSE BILLS

HB 1635 through **HB 1640** were read the second time.

Speaker Pro Tem Jetton assumed the Chair.

PERFECTION OF HOUSE BILL

HCS HB 1304, with HS, as amended, pending, relating to tort reform, was taken up by Representative Byrd.

Representative Byrd offered **House Amendment No. 4**.

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for House Bill No. 1304, Page 4, Section 508.010, Line 23 of said page, by inserting after the word "**accrued**." the following:

"As used in this section, "**the county where the cause of action accrued**" shall mean the county where the plaintiff, or, in the case of a wrongful death action, the decedent, was first injured by the wrongful acts or negligent conduct alleged in the action."; and

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

Representative Willoughby offered **House Substitute Amendment No. 1 for House Amendment No. 4**.

Representative Goodman raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 4** is not a true substitute amendment.

The Chair ruled the point of order well taken.

On motion of Representative Byrd, **House Amendment No. 4** was adopted.

Representative Crowell offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Substitute for House Committee Substitute for House Bill No. 1304, Page 20, Section 538.213, Line 21 of said page, by inserting after all of said line the following:

"538.220. 1. 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, past damages shall be payable in a lump sum.

2. At the request of any party to such action made prior to the entry of judgment, the court shall include in the judgment a requirement that future damages be paid [in whole or in part] in periodic or installment payments if the **sum**

of the total award of **past and future** damages in the action exceeds one hundred thousand dollars. Any judgment ordering such periodic or installment payments shall specify a **future periodic payment schedule, which shall include:** the recipient, the amount of each payment, the interval between payments, and the number of payments. **The duration of the future periodic payment schedule shall be for a period of time no less than the evidence of life expectancy presented at trial. The amount of each of the future periodic payments shall be determined by dividing the total amount of future damages by the number of future periodic payments. The court shall apply interest on such future periodic payments at a per annum interest rate no greater than the coupon issue yield equivalent, as determined by the Federal Reserve Board, of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately prior to the date of the judgment. The judgment shall state the applicable interest rate. The state courts administrator shall distribute notice of such rate and any changes in such rate to the circuit clerks of all circuit courts in Missouri.** The parties shall be afforded the opportunity to agree on the manner of payment of future damages, [including the rate of interest, if any, to be applied,] subject to court approval. However, in the event the parties cannot agree, the unresolved issues shall be submitted to the court for resolution, either with or without a post-trial evidentiary hearing which may be called at the request of any party or the court. If a defendant makes the request for payment pursuant to this section, such request shall be binding only as to such defendant and shall not apply to or bind any other defendant.

3. As a condition to authorizing periodic payments of future damages, the court may require a judgment debtor who is not adequately insured to post security or purchase an annuity adequate to assure full payment of such damages awarded by the judgment. Upon termination of periodic payments of future damages, the court shall order the return of this security or so much as remains to the judgment debtor.

4. If a plaintiff and his attorney have agreed that attorney's fees shall be paid from the award, as part of a contingent fee arrangement, it shall be presumed that the fee will be paid at the time the judgment becomes final. If the attorney elects to receive part or all of such fees in periodic or installment payments from future damages, the method of payment and all incidents thereto shall be a matter between such attorney and the plaintiff and not subject to the terms of the payment of future damages, whether agreed to by the parties or determined by the court.

5. Upon the death of a judgment creditor, the right to receive payments of future damages, other than future medical damages, being paid by installments or periodic payments will pass in accordance with the Missouri probate code unless otherwise transferred or alienated prior to death. Payment of future medical damages will continue to the estate of the judgment creditor only for as long as necessary to enable the estate to satisfy medical expenses of the judgment creditor that were due and owing at the time of death, which resulted directly from the injury for which damages were awarded, and do not exceed the dollar amount of the total payments for such future medical damages outstanding at the time of death.

6. Nothing in this section shall prevent the parties from contracting and agreeing to settle and resolve the claim for future damages. If such an agreement is reached by the parties, the future periodic payment schedule will become moot."; and

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

Representative Crowell offered **House Substitute Amendment No. 1 for House Amendment No. 5.**

*House Substitute Amendment No. 1
for
House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for House Bill No. 1304, Page 20, Section 538.213, Line 21 of said page, by inserting after all of said line the following:

"538.220. 1. 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, past damages shall be payable in a lump sum.

2. At the request of any party to such action made prior to the entry of judgment, the court shall include in the judgment a requirement that future damages be paid in whole or in part in periodic or installment payments if the total award of damages in the action exceeds one hundred thousand dollars. Any judgment ordering such periodic or installment payments shall specify a **future medical periodic payment schedule, which shall include:** the recipient,

the amount of each payment, the interval between payments, and the number of payments. **The duration of the future medical payment schedule shall be for a period of time no less than the evidence of life expectancy presented at trial. The amount of each of the future medical periodic payments shall be determined by dividing the total amount of future medical damages by the number of future medical periodic payments.** The parties shall be afforded the opportunity to agree on the manner of payment of future damages, including the rate of interest, if any, to be applied, subject to court approval. However, in the event the parties cannot agree, the unresolved issues shall be submitted to the court for resolution, either with or without a post-trial evidentiary hearing which may be called at the request of any party or the court. If a defendant makes the request for payment pursuant to this section, such request shall be binding only as to such defendant and shall not apply to or bind any other defendant.

3. As a condition to authorizing periodic payments of future damages, the court may require a judgment debtor who is not adequately insured to post security or purchase an annuity adequate to assure full payment of such damages awarded by the judgment. Upon termination of periodic payments of future damages, the court shall order the return of this security or so much as remains to the judgment debtor.

4. If a plaintiff and his attorney have agreed that attorney's fees shall be paid from the award, as part of a contingent fee arrangement, it shall be presumed that the fee will be paid at the time the judgment becomes final. If the attorney elects to receive part or all of such fees in periodic or installment payments from future damages, the method of payment and all incidents thereto shall be a matter between such attorney and the plaintiff and not subject to the terms of the payment of future damages, whether agreed to by the parties or determined by the court.

5. Upon the death of a judgment creditor, the right to receive payments of future damages, other than future medical damages, being paid by installments or periodic payments will pass in accordance with the Missouri probate code unless otherwise transferred or alienated prior to death. Payment of future medical damages will continue to the estate of the judgment creditor only for as long as necessary to enable the estate to satisfy medical expenses of the judgment creditor that were due and owing at the time of death, which resulted directly from the injury for which damages were awarded, and do not exceed the dollar amount of the total payments for such future medical damages outstanding at the time of death.

6. **Nothing in this section shall prevent the parties from contracting and agreeing to settle and resolve the claim for future damages. If such an agreement is reached by the parties, the future periodic payment schedule will become moot.**"; and

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

Representative Abel raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 5** is out of order in that the member may not amend or substitute his own amendment without unanimous consent.

HCS HB 1304, with the point of order on House Substitute Amendment No. 1 for House Amendment No. 5, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment No. 5 and HS, as amended, pending, was laid over.

SPECIAL RECOGNITION

Emily R. DeGregorio was introduced by Representative Jetton and recognized as a Joanne Breckenridge Scholar.

Katherine Melody Federer was introduced by Representative Bivins and recognized as a Joanne Breckenridge Scholar.

Tonya Goosen was introduced by Representative Self and recognized as a Joanne Breckenridge Scholar.

Millicent P. Belt was introduced by Representative Shoemaker and recognized as a Joanne Breckenridge Scholar.

Laura Lehman was introduced by Representative Yates and recognized as a Joanne Breckenridge Scholar.

Lacy Morris was introduced by Representative Kelly (144) and recognized as a Joanne Breckenridge Scholar.

Jaclyn Rohrs was introduced by Representative Miller and recognized as a Joanne Breckenridge Scholar.

Laurie Reichart was introduced by Representative Ervin and recognized as a Joanne Breckenridge Scholar.

Lara Bopp was introduced by Representative Byrd and recognized as a Joanne Breckenridge Scholar.

On motion of Representative Crowell, the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Brooklyn Crawford, Ashley Williams, Shelby Owens and Laurie Reichert.

Representative Wilson (119) recognized Courtney Dull of Weaubleau School District, recipient of the State Award for the essay "My Favorite Teacher".

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

- House Resolution No. 973 - Representative Carnahan
- House Resolution No. 974 - Representative Engler
- House Resolution No. 975 - Representative Moore
- House Resolution No. 976 - Representative Sander
- House Resolution No. 977 - Representative Hanaway
- House Resolution No. 978 - Representative Barnitz
- House Resolution No. 979
- and
- House Resolution No. 980 - Representative Davis (122)
- House Resolution No. 981 - Representative Lager

INTRODUCTION OF HOUSE BILLS

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

HB 1648, introduced by Representatives Wasson, Jackson, Taylor, Richard, Jetton, Carnahan, Cunningham (145), Sander and Bough, relating to income taxation.

HB 1649, introduced by Representative Cunningham (86), relating to teacher certification.

HB 1650, introduced by Representative Dixon, relating to Missouri criminal record reviews.

PERFECTION OF HOUSE BILL

HCS HB 1304, with the point of order on House Substitute Amendment No. 1 for House Amendment No. 5, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment No. 5 and HS, as amended, pending, relating to tort reform, was again taken up by Representative Byrd.

House Substitute Amendment No. 1 for House Amendment No. 5 was withdrawn.

Representative Byrd offered **House Substitute Amendment No. 2 for House Amendment No. 5**.

*House Substitute Amendment No. 2
for
House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for House Bill No. 1304, Page 20, Section 538.213, Line 21 of said page, by inserting after all of said line the following:

"538.220. 1. 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, past damages shall be payable in a lump sum.

2. At the request of any party to such action made prior to the entry of judgment, the court shall include in the judgment a requirement that future damages be paid in whole or in part in periodic or installment payments if the total award of damages in the action exceeds one hundred thousand dollars. Any judgment ordering such periodic or installment payments shall specify **a future medical periodic payment schedule, which shall include:** the recipient, the amount of each payment, the interval between payments, and the number of payments. **The duration of the future medical payment schedule shall be for a period of time no less than the evidence of life expectancy presented at trial. The amount of each of the future medical periodic payments shall be determined by dividing the total amount of future medical damages by the number of future medical periodic payments.** The parties shall be afforded the opportunity to agree on the manner of payment of future damages, including the rate of interest, if any, to be applied, subject to court approval. However, in the event the parties cannot agree, the unresolved issues shall be submitted to the court for resolution, either with or without a post-trial evidentiary hearing which may be called at the request of any party or the court. If a defendant makes the request for payment pursuant to this section, such request shall be binding only as to such defendant and shall not apply to or bind any other defendant.

3. As a condition to authorizing periodic payments of future damages, the court may require a judgment debtor who is not adequately insured to post security or purchase an annuity adequate to assure full payment of such damages awarded by the judgment. Upon termination of periodic payments of future damages, the court shall order the return of this security or so much as remains to the judgment debtor.

4. If a plaintiff and his attorney have agreed that attorney's fees shall be paid from the award, as part of a contingent fee arrangement, it shall be presumed that the fee will be paid at the time the judgment becomes final. If the

attorney elects to receive part or all of such fees in periodic or installment payments from future damages, the method of payment and all incidents thereto shall be a matter between such attorney and the plaintiff and not subject to the terms of the payment of future damages, whether agreed to by the parties or determined by the court.

5. Upon the death of a judgment creditor, the right to receive payments of future damages, other than future medical damages, being paid by installments or periodic payments will pass in accordance with the Missouri probate code unless otherwise transferred or alienated prior to death. Payment of future medical damages will continue to the estate of the judgment creditor only for as long as necessary to enable the estate to satisfy medical expenses of the judgment creditor that were due and owing at the time of death, which resulted directly from the injury for which damages were awarded, and do not exceed the dollar amount of the total payments for such future medical damages outstanding at the time of death.

6. Nothing in this section shall prevent the parties from contracting and agreeing to settle and resolve the claim for future damages. If such an agreement is reached by the parties, the future periodic payment schedule will become moot."; and

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

Representative Crowell offered **House Amendment No. 1 to House Substitute Amendment No. 2 for House Amendment No. 5.**

*House Amendment No. 1
to
House Substitute Amendment No. 2
for
House Amendment No. 5*

AMEND House Substitute Amendment No. 2 for House Amendment No. 5 to House Substitute for House Committee Substitute for House Bill No. 1304, Page 2, Line 8, by inserting after the words "periodic payments." the following:

"The court shall apply interest on such future periodic payments at a per annum interest rate no greater than the coupon issue yield equivalent, as determined by the Federal Reserve Board, of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately prior to the date of the judgment. The judgment shall state the applicable interest rate."

On motion of Representative Crowell, **House Amendment No. 1 to House Substitute Amendment No. 2 for House Amendment No. 5** was adopted.

Representative Rupp assumed the Chair.

On motion of Representative Byrd, **House Substitute Amendment No. 2 for House Amendment No. 5, as amended**, was adopted by the following vote:

AYES: 086

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|---------------|-------------|------------|---------|----------------|
| Angst | Baker | Bean | Bearden | Behnen |
| Bivins | Black | Brown | Bruns | Byrd |
| Cooper 120 | Cooper 155 | Crawford | Crowell | Cunningham 145 |
| Cunningham 86 | Davis 19 | Deeken | Dempsey | Dethrow |
| Dixon | Dusenberg | Emery | Engler | Ervin |
| Fares | Goodman | Guest | Hobbs | Holand |
| Hunter | Icet | Jackson | Jetton | Johnson 47 |
| Kelly 144 | King | Kingery | Lager | Lembke |
| Lipke | Luetkemeyer | May | Mayer | Miller |
| Moore | Morris | Munzlinger | Myers | Nieves |

| | | | | |
|---------------|------------|-----------|------------|----------|
| Page | Pearce | Phillips | Portwood | Pratt |
| Purgason | Quinn | Rector | Reinhart | Richard |
| Roark | Ruestman | Rupp | Sander | Schaaf |
| Schlottach | Self | Shoemaker | Smith 118 | Smith 14 |
| St. Onge | Stefanick | Stevenson | Sutherland | Taylor |
| Threlkeld | Townley | Viebrock | Wallace | Wasson |
| Wilson 119 | Wilson 130 | Wood | Wright | Yates |
| Madam Speaker | | | | |

NOES: 069

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|-----------|------------|------------|------------|------------|
| Abel | Barnitz | Bishop | Bough | Bringer |
| Brooks | Burnett | Campbell | Corcoran | Curls |
| Darrough | Daus | Davis 122 | Donnelly | Dougherty |
| El-Amin | Fraser | George | Graham | Green |
| Hampton | Harris 110 | Harris 23 | Haywood | Henke |
| Hilgemann | Hoskins | Hubbard | Johnson 61 | Johnson 90 |
| Jolly | Jones | Kelly 36 | Kuessner | Lawson |
| LeVota | Liese | Lowe | Meadows | Meiners |
| Muckler | Parker | Ransdall | Sager | Salva |
| Schneider | Schoemehl | Seigfreid | Selby | Shoemyer |
| Spreng | Swinger | Thompson | Villa | Vogt |
| Wagner | Walker | Walsh | Walton | Ward |
| Whorton | Wildberger | Willoughby | Wilson 25 | Wilson 42 |
| Witte | Yaeger | Young | Zweifel | |

PRESENT: 000

ABSENT WITH LEAVE: 008

| | | | | |
|-------|---------|---------|----------|--------|
| Avery | Bland | Boykins | Carnahan | Kratky |
| Marsh | McKenna | Skaggs | | |

Representative Stevenson offered **House Amendment No. 6.**

House Amendment No. 6

AMEND House Substitute for House Committee Substitute for House Bill No. 1304, Section 537.067, Page 12, Lines 14-25, Page 13, Lines 1-25, and Page 14, Lines 1-10, by deleting all of said lines and inserting in lieu thereof the following:

“537.067. [1. In all tort actions for damages, in which fault is not assessed to the plaintiff, the defendants shall be jointly and severally liable for the amount of the judgment rendered against such defendants.

2. In all tort actions for damages in which fault is assessed to plaintiff the defendants shall be jointly and severally liable for the amount of the judgment rendered against such defendants except as follows:

(1) In all such actions in which the trier of fact assesses a percentage of fault to the plaintiff, any party, including the plaintiff, may within thirty days of the date the verdict is rendered move for reallocation of any uncollectible amounts;

(2) If such a motion is filed the court shall determine whether all or part of a party's equitable share of the obligation is uncollectible from that party, and shall reallocate any uncollectible amount among the other parties, including a claimant at fault, according to their respective percentages of fault;

(3) The party whose uncollectible amount is reallocated is nonetheless subject to contribution and to any continuing liability to the claimant on the judgment;

(4) No amount shall be reallocated to any party whose assessed percentage of fault is less than the plaintiff's so as to increase that party's liability by more than a factor of two;

(5) If such a motion is filed, the parties may conduct discovery on the issue of collectibility prior to a hearing on such motion;

(6) Any order of reallocation pursuant to this section shall be entered within one hundred twenty days after the date of filing such a motion for reallocation. If no such order is entered within that time, such motion shall be deemed to be overruled;

(7) Proceedings on a motion for reallocation shall not operate to extend the time otherwise provided for post-trial motion or appeal on other issues.

Any appeal on an order or denial of reallocation shall be taken within the time provided under applicable rules of civil procedure and shall be consolidated with any other appeal on other issues in the case.

3. This section shall not be construed to expand or restrict the doctrine of joint and several liability except for reallocation as provided in subsection 2] **In all tort actions for damages a defendant may not be liable for more than the percentage of damages for which fault is attributed to such defendant by the trier of fact.**"; and

Further amend said house substitute, Section 508.120, Page 25, Line 12, by inserting the following after all of said line:

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

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

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

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

Representative Lipke offered **House Substitute Amendment No. 1 for House Amendment No. 6.**

*House Substitute Amendment No. 1
for
House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for House Bill No. 1304, Section 537.067, Page 12, Line 19, by deleting the word “**fifty**” and inserting in lieu thereof the phrase “**seventy-five**”.

Representative Byrd offered **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 6.**

House Amendment No. 1
to
House Substitute Amendment No. 1
for
House Amendment No. 6

AMEND House Substitute Amendment No. 1 for House Amendment No. 6 to House Substitute for House Committee Substitute for House Bill No. 1304, Page 1, Line 3, by deleting the words “seventy-five” and inserting in lieu thereof the words “**fifty-one**”.

On motion of Representative Byrd, **House Amendment No. 1 to House Substitute Amendment No. 1 for House Amendment No. 6** was adopted.

On motion of Representative Lipke, **House Substitute Amendment No. 1 for House Amendment No. 6, as amended**, was adopted.

Representative Willoughby offered **House Amendment No. 7**.

House Amendment No. 7

AMEND House Substitute for House Committee Substitute for House Bill No. 1304, Section 508.120, Page 25, Line 12, by inserting the following after all of said line:

"Section B. Upon passage and approval of House Bill 1305 or any substitute of House Bill 1305 as truly agreed to and finally passed during the Second Regular Session of the 92nd General Assembly, House Bill 1304 or any substitute for House Bill 1304 as truly agreed to and finally passed during the Second Regular Session of the 92nd General Assembly shall, upon passage and approval, become effective on the same date as such House Bill 1305 or any substitute for House Bill 1305, and not otherwise."; and

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

Representative Willoughby moved that **House Amendment No. 7** be adopted.

Which motion was defeated by the following vote:

AYES: 069

| | | | | |
|------------|------------|------------|------------|------------|
| Barnitz | Bishop | Bland | Boykins | Bringer |
| Brooks | Burnett | Carnahan | Corcoran | Curls |
| Darrough | Daus | Davis 122 | Donnelly | Dougherty |
| El-Amin | Fraser | George | Graham | Green |
| Hampton | Harris 110 | Harris 23 | Haywood | Henke |
| Hilgemann | Hoskins | Hubbard | Johnson 47 | Johnson 61 |
| Johnson 90 | Jolly | Jones | Kelly 36 | Kuessner |
| LeVota | Liese | Lowe | McKenna | Meadows |
| Meiners | Muckler | Page | Parker | Ransdall |
| Salva | Schneider | Schoemehl | Selby | Shoemyer |
| Skaggs | Spreng | Swinger | Thompson | Villa |
| Vogt | Wagner | Walker | Walsh | Walton |
| Ward | Whorton | Wildberger | Willoughby | Wilson 25 |
| Wilson 42 | Witte | Yaeger | Zweifel | |

NOES: 081

| | | | | |
|----------------|---------------|------------|-----------|-------------|
| Angst | Baker | Bean | Bearden | Behnen |
| Bivins | Black | Bough | Brown | Bruns |
| Byrd | Cooper 120 | Cooper 155 | Crawford | Crowell |
| Cunningham 145 | Cunningham 86 | Davis 19 | Deeken | Dempsey |
| Dethrow | Dixon | Emery | Engler | Ervin |
| Fares | Goodman | Guest | Hobbs | Holand |
| Hunter | Icey | Jackson | Jetton | Kelly 144 |
| King | Kingery | Lembke | Lipke | Luetkemeyer |
| May | Mayer | Miller | Moore | Munzlinger |
| Myers | Nieves | Pearce | Phillips | Portwood |
| Pratt | Purgason | Quinn | Rector | Reinhart |
| Richard | Roark | Ruestman | Rupp | Sander |
| Schaaf | Schlottach | Self | Shoemaker | Smith 118 |
| Smith 14 | St. Onge | Stefanick | Stevenson | Sutherland |
| Threlkeld | Townley | Viebrock | Wallace | Wasson |
| Wilson 119 | Wilson 130 | Wood | Wright | Yates |
| Madam Speaker | | | | |

PRESENT: 000

ABSENT WITH LEAVE: 013

| | | | | |
|-----------|--------|----------|-----------|--------|
| Abel | Avery | Campbell | Dusenberg | Kratky |
| Lager | Lawson | Marsh | Morris | Sager |
| Seigfreid | Taylor | Young | | |

Representative Johnson (90) requested a verification of the roll call on the motion to adopt **House Amendment No. 7.**

Representative Harris (23) offered **House Amendment No. 8.**

Representative Goodman raised a point of order that **House Amendment No. 8** is not germane and goes beyond the scope of the underlying bill.

Representative Rupp requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Mayer offered **House Amendment No. 9.**

Representative Goodman raised a point of order that **House Amendment No. 9** is not germane and goes beyond the scope of the underlying bill.

Representative Rupp requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Bringer offered **House Amendment No. 10.**

Representative Goodman raised a point of order that **House Amendment No. 10** goes beyond the scope of the underlying bill.

Representative Rupp requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

Representative Burnett offered **House Amendment No. 11**.

House Amendment No. 11

AMEND House Substitute for House Committee Substitute for House Bill No. 1304, Page 18, Section 538.210, Line 2, by deleting the opening bracket on said line; and

Further amend said section, Line 3, by deleting the word “section” and inserting in lieu thereof the word “**chapter**”; and

Further amend said section, Line 13, by deleting the closing bracket on said line; and

Further amend said bill, Section 538.213, Page 19, Lines 4 through 25, and Page 20, Lines 1 through 21, by deleting all of said lines; and

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

Speaker Pro Tem Jetton resumed the Chair.

Representative Burnett moved that **House Amendment No. 11** be adopted.

Which motion was defeated by the following vote:

AYES: 065

| | | | | |
|------------|------------|------------|-----------|------------|
| Abel | Barnitz | Bishop | Bland | Bringer |
| Brooks | Burnett | Carnahan | Corcoran | Curls |
| Darrough | Daus | Davis 122 | Donnelly | Dougherty |
| El-Amin | Fraser | George | Green | Harris 110 |
| Harris 23 | Haywood | Henke | Hilgemann | Hoskins |
| Hubbard | Johnson 61 | Johnson 90 | Jolly | Jones |
| Kelly 36 | Kuessner | Lawson | LeVota | Liese |
| Lowe | McKenna | Meadows | Meiners | Muckler |
| Parker | Sager | Salva | Schneider | Schoemehl |
| Seigfreid | Selby | Shoemyer | Skaggs | Spreng |
| Thompson | Villa | Vogt | Wagner | Walker |
| Walsh | Walton | Ward | Whorton | Wildberger |
| Willoughby | Wilson 25 | Wilson 42 | Yaeger | Zweifel |

NOES: 088

| | | | | |
|----------------|---------------|------------|----------|---------|
| Angst | Baker | Bean | Bearden | Behnen |
| Bivins | Black | Bough | Brown | Bruns |
| Byrd | Cooper 120 | Cooper 155 | Crawford | Crowell |
| Cunningham 145 | Cunningham 86 | Davis 19 | Deeken | Dempsey |

| | | | | |
|----------|------------|---------------|-------------|------------|
| Dethrow | Dixon | Dusenberg | Emery | Engler |
| Ervin | Fares | Goodman | Guest | Hampton |
| Hobbs | Holand | Hunter | Icet | Jackson |
| Jetton | Johnson 47 | Kelly 144 | King | Kingery |
| Lager | Lembke | Lipke | Luetkemeyer | May |
| Mayer | Miller | Moore | Morris | Munzlinger |
| Myers | Nieves | Page | Pearce | Phillips |
| Portwood | Pratt | Purgason | Rector | Reinhart |
| Richard | Roark | Ruestman | Rupp | Sander |
| Schaaf | Schlottach | Self | Shoemaker | Smith 118 |
| Smith 14 | St. Onge | Stefanick | Stevenson | Sutherland |
| Swinger | Threlkeld | Townley | Viebrock | Wallace |
| Wasson | Wilson 119 | Wilson 130 | Witte | Wood |
| Wright | Yates | Madam Speaker | | |

PRESENT: 000

ABSENT WITH LEAVE: 010

| | | | | |
|-------|---------|----------|--------|--------|
| Avery | Boykins | Campbell | Graham | Kratky |
| Marsh | Quinn | Ransdall | Taylor | Young |

Representative Burnett offered House Amendment No. 12.

House Amendment No. 12

AMEND House Substitute for House Committee Substitute for House Bill No. 1304, Pages 8 through 12, Section 537.035, by deleting all of said section; and

Further amend said bill, Page 14, Section 538.205, Line 24, by deleting all of said line and inserting in lieu thereof the words “**care facility**,”; and

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

Representative Burnett moved that House Amendment No. 12 be adopted.

Which motion was defeated by the following vote:

AYES: 064

| | | | | |
|------------|-----------|------------|------------|-----------|
| Abel | Barnitz | Bishop | Bland | Bringer |
| Brooks | Burnett | Carnahan | Corcoran | Curls |
| Darrough | Daus | Davis 122 | Donnelly | Dougherty |
| El-Amin | Fraser | George | Green | Hampton |
| Harris 110 | Harris 23 | Haywood | Henke | Hilgemann |
| Hoskins | Hubbard | Johnson 61 | Johnson 90 | Jolly |
| Jones | Kelly 36 | Kuessner | LeVota | Lowe |
| McKenna | Meadows | Meiners | Muckler | Ransdall |
| Sager | Salva | Schoemehl | Selby | Shoemyer |
| Skaggs | Spreng | Swinger | Thompson | Villa |
| Vogt | Wagner | Walker | Walsh | Walton |
| Ward | Whorton | Wildberger | Willoughby | Wilson 25 |
| Wilson 42 | Witte | Yaeger | Zweifel | |

NOES: 089

| | | | | |
|----------------|---------------|------------|---------------|-------------|
| Angst | Baker | Bean | Bearden | Behnen |
| Bivins | Black | Bough | Brown | Bruns |
| Byrd | Cooper 120 | Cooper 155 | Crawford | Crowell |
| Cunningham 145 | Cunningham 86 | Davis 19 | Deeken | Dempsey |
| Dethrow | Dixon | Dusenberg | Emery | Engler |
| Ervin | Fares | Goodman | Guest | Hobbs |
| Holand | Hunter | Icet | Jackson | Jetton |
| Johnson 47 | Kelly 144 | King | Kingery | Lager |
| Lawson | Lembke | Liese | Lipke | Luetkemeyer |
| May | Mayer | Miller | Moore | Morris |
| Munzlinger | Myers | Nieves | Page | Parker |
| Pearce | Phillips | Portwood | Pratt | Purgason |
| Quinn | Rector | Reinhart | Richard | Roark |
| Ruestman | Rupp | Sander | Schaaf | Schneider |
| Self | Shoemaker | Smith 118 | Smith 14 | St. Onge |
| Stefanick | Stevenson | Sutherland | Threlkeld | Townley |
| Viebrock | Wallace | Wasson | Wilson 119 | Wilson 130 |
| Wood | Wright | Yates | Madam Speaker | |

PRESENT: 001

Seigfreid

ABSENT WITH LEAVE: 009

| | | | | |
|-------|------------|----------|--------|--------|
| Avery | Boykins | Campbell | Graham | Kratky |
| Marsh | Schlottach | Taylor | Young | |

Representative Harris (23) offered **House Amendment No. 13.**

House Amendment No. 13

AMEND House Substitute for House Committee Substitute for House Bill No. 1304, Page 22, Section 2, Line 25, by inserting immediately at the end of said line the following:

“Section 3. 1. Any person may file a miscellaneous case for the purpose of securing copies of such person’s health care records or the health care records of any other individual for whom such person is the guardian or attorney-in-fact, or is a potential claimant for a wrongful death.

2. A miscellaneous case shall be filed in the circuit in which any of the health care records sought to be obtained are located.

3. The petition shall be filed according to the following guidelines:

(1) The petition shall contain the following:

(a) The name of the individual who received the health care services or medical treatment;

(b) A brief summary of the health care services or medical treatment received;

(c) A brief summary of the outcome of the health care services or medical treatment; and

(d) The names of the health care providers from whom health care records are being sought;

(2) The petition shall not contain allegations of negligence or demands, other than a general demand for access to health care records.

4. Within five business days of filing the miscellaneous case, the petitioner shall mail a copy of the petition by regular and certified mail to each health care provider listed in the petition. The petitioner shall certify to the court that the petition has been mailed as required.

5. After filing a miscellaneous case, the petitioner may request the health care records described in subsection 1 of this section by subpoena and, if necessary, subpoena the health care records custodian for a

deposition for the sole purpose of securing copies of the health care records and verifying their authenticity. Refusal to provide the requested records may be the basis for the court to impose sanctions or orders of contempt.

6. Filing of a miscellaneous case petition shall toll the applicable statute of limitations for one hundred twenty days on any claim for injuries or death caused by professional negligence of a health care provider, but in no event shall the applicable statute of limitations be tolled under this section for more than one hundred twenty days.

7. The naming or listing of a health care provider as a person from whom records are requested shall not be considered for any reporting purposes as a claim made against the health care provider.

8. A health care provider or any person or entity acting on behalf of a health care provider shall not charge more than is allowable under section 197.227, RSMo, for providing copies of health care records.”; and

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

Speaker Hanaway resumed the Chair.

Representative Harris (23) moved that **House Amendment No. 13** be adopted.

Which motion was defeated by the following vote:

AYES: 068

| | | | | |
|------------|------------|------------|------------|-----------|
| Barnitz | Bishop | Bland | Bringer | Burnett |
| Carnahan | Corcoran | Curls | Darrough | Daus |
| Davis 122 | Donnelly | Dougherty | El-Amin | Fraser |
| George | Goodman | Graham | Green | Hampton |
| Harris 110 | Harris 23 | Haywood | Henke | Hilgemann |
| Hoskins | Hubbard | Johnson 61 | Johnson 90 | Jolly |
| Jones | Kelly 36 | Kuessner | LeVota | Liese |
| Lowe | McKenna | Meadows | Meiners | Muckler |
| Parker | Ransdall | Sager | Salva | Schneider |
| Schoemehl | Seigfreid | Selby | Shoemyer | Skaggs |
| Spreng | Swinger | Thompson | Villa | Vogt |
| Wagner | Walker | Walsh | Walton | Ward |
| Whorton | Wildberger | Willoughby | Wilson 25 | Wilson 42 |
| Witte | Yaeger | Zweifel | | |

NOES: 083

| | | | | |
|-------------|------------|---------------|----------------|---------------|
| Angst | Baker | Bean | Bearden | Behnen |
| Bivins | Bough | Brown | Bruns | Cooper 120 |
| Cooper 155 | Crawford | Crowell | Cunningham 145 | Cunningham 86 |
| Davis 19 | Deeken | Dempsey | Dethrow | Dixon |
| Dusenberg | Emery | Engler | Ervin | Fares |
| Guest | Hobbs | Holand | Hunter | Icet |
| Jackson | Jetton | Johnson 47 | Kelly 144 | King |
| Kingery | Lager | Lawson | Lembke | Lipke |
| Luetkemeyer | May | Mayer | Miller | Moore |
| Morris | Munzlinger | Myers | Nieves | Page |
| Pearce | Phillips | Portwood | Pratt | Purgason |
| Quinn | Rector | Reinhart | Richard | Roark |
| Ruestman | Rupp | Sander | Schaaf | Schlottach |
| Self | Shoemaker | Smith 14 | St. Onge | Stefanick |
| Stevenson | Sutherland | Threlkeld | Townley | Viebrock |
| Wallace | Wasson | Wilson 119 | Wilson 130 | Wood |
| Wright | Yates | Madam Speaker | | |

PRESENT: 001

Byrd

ABSENT WITH LEAVE: 011

| | | | | |
|----------|--------|-------|-----------|--------|
| Abel | Avery | Black | Boykins | Brooks |
| Campbell | Kratky | Marsh | Smith 118 | Taylor |
| Young | | | | |

On motion of Representative Byrd, **HS HCS HB 1304, as amended**, was adopted.

On motion of Representative Byrd, **HS HCS HB 1304, as amended**, was ordered perfected and printed by the following vote:

AYES: 091

| | | | | |
|----------------|---------------|------------|-----------|------------|
| Angst | Baker | Bean | Bearden | Behnen |
| Bivins | Black | Bringer | Brown | Bruns |
| Byrd | Cooper 120 | Cooper 155 | Crawford | Crowell |
| Cunningham 145 | Cunningham 86 | Davis 19 | Deeken | Dempsey |
| Dethrow | Dixon | Dusenberg | Emery | Engler |
| Ervin | Fares | Goodman | Guest | Harris 110 |
| Hobbs | Holand | Hubbard | Hunter | Iceet |
| Jackson | Jetton | Johnson 47 | Kelly 144 | Kelly 36 |
| King | Kingery | Lager | Lembke | Lipke |
| Luetkemeyer | May | Mayer | Meiners | Miller |
| Moore | Morris | Munzlinger | Myers | Nieves |
| Page | Pearce | Phillips | Portwood | Pratt |
| Purgason | Quinn | Rector | Reinhart | Richard |
| Roark | Ruestman | Rupp | Sander | Schaaf |
| Schlottach | Seigfreid | Self | Shoemaker | Skaggs |
| Smith 118 | Smith 14 | St. Onge | Stefanick | Stevenson |
| Sutherland | Threlkeld | Viebrock | Wallace | Wasson |
| Wilson 119 | Wilson 130 | Wood | Wright | Yates |
| Madam Speaker | | | | |

NOES: 061

| | | | | |
|------------|-----------|-----------|-----------|------------|
| Barnitz | Bishop | Bland | Boykins | Brooks |
| Burnett | Carnahan | Corcoran | Curls | Darrough |
| Daus | Davis 122 | Donnelly | Dougherty | El-Amin |
| Fraser | George | Graham | Green | Harris 23 |
| Haywood | Henke | Hilgemann | Hoskins | Johnson 61 |
| Johnson 90 | Jolly | Jones | Kuessner | LeVota |
| Liese | Lowe | McKenna | Meadows | Muckler |
| Parker | Ransdall | Sager | Salva | Schneider |
| Schoemehl | Selby | Shoemyer | Spreng | Swinger |
| Thompson | Villa | Vogt | Wagner | Walker |
| Walsh | Walton | Ward | Whorton | Wildberger |
| Willoughby | Wilson 25 | Wilson 42 | Witte | Yaeger |
| Zweifel | | | | |

PRESENT: 000

ABSENT WITH LEAVE: 011

| | | | | |
|--------|--------|-------|----------|---------|
| Abel | Avery | Bough | Campbell | Hampton |
| Kratky | Lawson | Marsh | Taylor | Townley |
| Young | | | | |

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

- HB 1575** - Communications, Energy and Technology
- HB 1604** - Agriculture
- HB 1610** - Transportation and Motor Vehicles
- HB 1614** - Health Care Policy
- HB 1628** - Job Creation and Economic Development

RE-REFERRAL OF HOUSE BILLS

The following House Bills were re-referred to the Committee indicated:

- HB 1298** - Crime Prevention and Public Safety
- HB 1508** - Transportation and Motor Vehicles

COMMITTEE REPORTS

Committee on Conservation and Natural Resources, Chairman Townley reporting:

Madam Speaker: Your Committee on Conservation and Natural Resources, to which was referred **HB 1187**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Committee on Health Care Policy, Chairman Holand reporting:

Madam Speaker: Your Committee on Health Care Policy, to which was referred **HB 1136**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**.

Committee on Job Creation and Economic Development, Chairman Dempsey reporting:

Madam Speaker: Your Committee on Job Creation and Economic Development, to which was referred **HB 1207**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Judiciary, Chairman Byrd reporting:

Madam Speaker: Your Committee on Judiciary, to which was referred **HB 1179**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**.

Madam Speaker: Your Committee on Judiciary, to which was referred **HB 1188**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

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

Madam Speaker: Your Committee on Local Government, to which was referred **HB 1456**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**.

Committee on Professional Registration and Licensing, Chairman Behnen reporting:

Madam Speaker: Your Committee on Professional Registration and Licensing, to which was referred **HB 985**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**.

Special Committee on General Laws, Chairman Wright reporting:

Madam Speaker: Your Special Committee on General Laws, to which was referred **HB 1347**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**.

Committee on Transportation and Motor Vehicles, Chairman Crawford reporting:

Madam Speaker: Your Committee on Transportation and Motor Vehicles, to which was referred **HB 996**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Madam Speaker: Your Committee on Transportation and Motor Vehicles, to which was referred **HB 1288**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**.

MESSAGES FROM THE SENATE

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCS SCR 41**.

SENATE COMMITTEE SUBSTITUTE
FOR
SENATE CONCURRENT RESOLUTION NO. 41

WHEREAS, the United States Fish and Wildlife Service has mandated that the United States Army Corps of Engineers implement a plan for operating the Missouri River that calls for a "spring rise" and a "summer low flow." This plan would result in an increase in the flow of the Missouri River in the spring when the risk of flooding of bottomland farms is already high. The plan also would result in a reduction of the flow of the Missouri River in the summer of each year, thereby negatively affecting farmers, utilities, and businesses from Omaha to the Gulf of Mexico, purportedly to improve habitat for the pallid sturgeon, an endangered fish; and

WHEREAS, the United States Fish and Wildlife Service has dictated these controversial flow changes primarily to benefit only a short segment of the Missouri River where pallid sturgeon have not even been found in six years of sampling; and

WHEREAS, analyses have shown that low river flows could actually degrade habitat important to the pallid sturgeon in segments of the lower Missouri and Mississippi Rivers where pallid sturgeon have been found in recent years; and

WHEREAS, in the summer months of 2002 and 2003, record low flows on the Missouri River increased transportation costs for Missouri farmers by halting navigation, increased power plant cooling costs for private utilities, increased drinking water treatment costs for public utilities across the state of Missouri, and caused water quality violations with the temperature in the Missouri River exceeding 90 degrees. Despite the economic harm already experienced by Missourians, the United States Fish and Wildlife Service has unilaterally mandated summer low flows during the next two years that are virtually identical to those experienced in 2002 and 2003; and

WHEREAS, while the United States Fish and Wildlife Service has failed to provide sufficient scientific evidence that proves that their mandated "spring rise" and "summer low flow" will improve habitat for the pallid sturgeon, analysis has shown that their proposal will increase the risk of flooding bottomland farms along the Missouri River, will result in economic harm to public and private utilities, and will risk the jobs of those who rely on the Missouri and Mississippi Rivers for their livelihoods; and

WHEREAS, the so-called "drought conservation measures" under consideration by the United States Army Corps of Engineers for inclusion in the Missouri River Master Manual would take away usable water from Missourians by shifting the storage of more water to upstream reservoirs while decreasing the amount of water available for other designated downstream uses; and

WHEREAS, the Missouri River contributes up to 65 percent of the Mississippi River flow at St. Louis during low-water conditions; and

WHEREAS, reduction of Missouri River flows would result in more frequent and more costly impediments to commerce on the Mississippi River where more than 120 million tons of cargo, which includes 60 percent of the nation's grain harvest, is shipped annually past St. Louis.

WHEREAS, the United States Eighth Circuit Court of Appeals recently affirmed that the dominant functions of the Missouri River Reservoir System are flood control and navigation, with recreation and other interests being secondary uses:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby respectfully request that the President of the United States direct the United States Fish and Wildlife Service and the United States Army Corps of Engineers to develop a plan for operating the Missouri River Reservoir System that will not increase the risk of flooding for bottomland farmers and will not harm the economy of the Midwestern states by failing to provide adequate flows to meet all designated downstream uses on the Missouri and Mississippi Rivers; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, each member of the Missouri Congressional Delegation, the United States Fish and Wildlife Service, and the United States Army Corps of Engineers.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 754**, entitled:

An act to repeal sections 67.793, 67.799, 67.1706, and 67.1754, RSMo, and to enact in lieu thereof five new sections relating to the creation of exhibition center and recreational facility districts.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 937**, entitled:

An act to amend chapter 28, RSMo, by adding thereto two new sections relating to the Missouri catalog of assistance programs, with sunset provisions.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 1040**, entitled:

An act to repeal sections 260.370, 260.375, 260.380, 260.475, and 260.479, RSMo, and to enact in lieu thereof five new sections relating to hazardous waste management, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the House is respectfully requested.

REFERRAL OF SENATE CONCURRENT RESOLUTION

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

SCS SCR 41 - Conservation and Natural Resources

RE-REFERRAL OF SENATE BILL

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

SB 1052 - Special Committee on General Laws

The following member's presence was noted: Marsh.

ADJOURNMENT

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Wednesday, March 10, 2004.

CORRECTIONS TO THE HOUSE JOURNAL

AFFIDAVITS

I, State Representative Al Liese, District 79, hereby state and affirm that my vote as recorded on Page 522 of the House Journal for Monday, March 8, 2004 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. 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 9th day of March 2004.

/s/ Al Liese
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 9th day of March in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Bob Behnen, District 2, hereby state and affirm that my vote as recorded on Page 524 of the House Journal for Monday, March 8, 2004 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. 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 9th day of March 2004.

/s/ Bob Behnen
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 9th day of March in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Michael Corcoran, District 77, hereby state and affirm that my vote as recorded on Page 524 of the House Journal for Monday, March 8, 2004 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. 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.

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 9th day of March 2004.

/s/ Chuck Purgason
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 9th day of March in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

COMMITTEE MEETINGS

AGRICULTURE

Wednesday, March 10, 2004, Hearing Room 1 upon evening adjournment.

Possible Executive session.

Public hearing to be held on: HB 1604

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Wednesday, March 10, 2004, 8:00 a.m. Hearing Room 3.

Departments of Health, Mental Health, and Social Services. Possible mark up.

Executive session may follow. AMENDED

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Thursday, March 11, 2004, 8:15 a.m. Hearing Room 3.

Departments of Health, Mental Health, and Social Services. Possible mark up.

Executive session may follow. AMENDED

BUDGET

Wednesday, March 10, 2004, 8:00 a.m. Hearing Room 3.

Possible Executive session. CANCELLED

Public hearings to be held on: HJR 49, HB 1001, HB 1002, HB 1003, HB 1004, HB 1005, HB 1006, HB 1007, HB 1008, HB 1009, HB 1010, HB 1011, HB 1012

BUDGET

Wednesday, March 10, 2004, 8:00 p.m. Hearing Room 3.

Possible Executive session.

Public hearings to be held on: HJR 49, HB 1001, HB 1002, HB 1003, HB 1004, HB 1005, HB 1006, HB 1007, HB 1008, HB 1009, HB 1010, HB 1011, HB 1012

BUDGET

Thursday, March 11, 2004, 8:00 a.m. Hearing Room 3.

Possible Executive session.

Public hearings to be held on: HJR 49, HB 1001, HB 1002, HB 1003, HB 1004, HB 1005, HB 1006, HB 1007, HB 1008, HB 1009, HB 1010, HB 1011, HB 1012

BUDGET

Thursday, March 11, 2004, Hearing Room 3 upon morning adjournment.

Possible Executive session.

Public hearings to be held on: HJR 49, HB 1001, HB 1002, HB 1003, HB 1004, HB 1005, HB 1006, HB 1007, HB 1008, HB 1009, HB 1010, HB 1011, HB 1012

COMMUNICATIONS, ENERGY AND TECHNOLOGY

Thursday, March 11, 2004, House Chamber side gallery upon morning adjournment.

Executive session will be held on: HB 1493

CONSERVATION AND NATURAL RESOURCES

Wednesday, March 10, 2004, 12:00 p.m. Hearing Room 5.

Executive session may follow. AMENDED

Public hearings to be held on: HR 390, HB 1433, HB 1536, SCS SCR 41

CONSERVATION AND NATURAL RESOURCES

Thursday, March 11, 2004, 8:00 a.m. Hearing Room 1.

Executive session may follow.

Public hearings to be held on: SB 808, HB 1326, HB 1279

CORRECTIONS AND STATE INSTITUTIONS

Wednesday, March 10, 2004, Hearing Room 7 upon evening adjournment. AMENDED

Public hearings to be held on: HB 1444, SCR 35

CRIME PREVENTION AND PUBLIC SAFETY

Thursday, March 11, 2004, 8:30 a.m. Hearing Room 4.

Executive session may follow. AMENDED

Public hearings to be held on: HB 1258, HB 1298

EDUCATION

Wednesday, March 10, 2004, Hearing Room 3 upon afternoon adjournment.

Public hearings to be held on: HB 1517, HB 935

Executive session may be held on: HB 935

EDUCATION

Thursday, March 11, 2004, House Chamber side gallery upon morning adjournment.

Executive session will be held on: HB 1493

HEALTH CARE POLICY

Wednesday, March 10, 2004, Hearing Room 6 upon evening adjournment.

Public hearings to be held on: HB 1563, HB 1614

Executive session will be held on: HB 1477, HB 1563, HB 1614

JOB CREATION AND ECONOMIC DEVELOPMENT

Wednesday, March 10, 2004, 12:00 p.m. Hearing Room 6. AMENDED

Public hearings to be held on: HB 1529, HB 1532, HB 1628, SS SCS SB 1099

Executive session will be held on: HB 1529, HB 1628

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, March 11, 2004, 1:00 p.m. Hearing Room 1.

Report from Revision Subcommittee.

Oversight program evaluation on Office of Administration, Division of Facilities Management, State Leasing Practices and any other business.

JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT

Monday, March 29, 2004, 1:00 p.m. Senate Lounge.

Topics for discussion. Remarks from MoDOT, Inspector General, MoDOT cleanup legislation, One Stop Shop.

JUDICIARY

Wednesday, March 10, 2004, 12:00 p.m. Hearing Room 1.

Public hearings to be held on: HB 876, HB 1535, HB 1616, HB 1369, HB 1148, HB 1143

Executive session will be held on: HB 1350, HB 1535, HB 1616, HB 1213, HB 1404, HB 1146, HB 876

LOCAL GOVERNMENT

Thursday, March 11, 2004, 8:15 a.m. Hearing Room 6.

Executive session will follow.

Public hearings to be held on: HB 1292, HB 1608, HB 1634, HB 1612, HB 1321

PROFESSIONAL REGISTRATION AND LICENSING

Wednesday, March 10, 2004, 8:00 a.m. Hearing Room 6.

Executive session may be held on: HB 970, HB 1246, HB 1422, HB 1622, HB 1527, HB 1197

RETIREMENT

Thursday, March 11, 2004, 8:30 a.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 1316, HB 1356, HB 1357, HB 1480

RULES

Thursday, March 11, 2004, 8:30 a.m. House Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HR 95, HR 264, HR 372, HR 392, HR 397,

HR 464, HR 485, HR 624, HR 650, HR 720, HR 745, HR 796

SMALL BUSINESS

Wednesday, March 10, 2004, Hearing Room 4 upon morning adjournment.

Executive session may follow.

Public hearings to be held on: HB 1175, HR 756, HB 1572

TRANSPORTATION AND MOTOR VEHICLES

Wednesday, March 10, 2004, 12:00 p.m. Hearing Room 7.

Committee will continue until all bills are heard

or come back upon afternoon adjournment. AMENDED

Public hearings to be held on: HB 1489, HB 1449, HB 928, HB 1442, HB 1438, HB 1610,
HB 1508, HB 1504, HB 1396, HB 1063, HB 1123, HB 1335, HB 1201, HB 1280

Executive session may be held on: HB 1366, HB 1049, HB 1408, HB 1437, HB 1284,

HB 1374, HB 1489, HB 1449, HB 928, HB 1442, HB 1438, HB 1610, HB 1508,

HB 1504, HB 1396, HB 1123, HB 1335, HB 1201, HB 1280, HB 1063

TRANSPORTATION AND MOTOR VEHICLES

Thursday, March 11, 2004, 8:00 a.m. House Chamber side gallery. AMENDED

Executive session will be held on: HB 1366, HB 1049, HB 1408, HB 1437, HB 1284,

HB 1374, HB 1489, HB 1449, HB 928, HB 1442, HB 1438, HB 1610, HB 1508,

HB 1504, HB 1396, HB 1063, HB 1123, HB 1335, HB 1201, HB 1280

WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Wednesday, March 10, 2004, 12:00 p.m. Hearing Room 3.

Executive session.

HOUSE CALENDAR

THIRTY-SIXTH DAY, WEDNESDAY, MARCH 10, 2004

HOUSE BILLS FOR SECOND READING

HB 1641 through HB 1650

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HCS HJR 28 - Roark (139)
- 2 HCS HJR 39, 38, 42 & 47 - Engler (106)
- 3 HCS HJR 35 - Dethrow (153)

HOUSE BILL FOR PERFECTION - APPROPRIATIONS

HCS HB 1014 - Bearden (16)

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1105, 1062, 1111, 1113 & 1119 - Crawford (117)
- 2 HCS HB 1041, as amended, HSA 1 for HA 10 and HA 10, pending - Cunningham (86)
- 3 HCS HB 978 - Baker (123)
- 4 HCS HB 1380 - Lager (4)
- 5 HCS HB 1055, as amended - Bruns (113)
- 6 HCS HB 1305 - Byrd (94)
- 7 HCS HB 1215 - Engler (106)
- 8 HCS HB 898 - Johnson (47)
- 9 HCS HB 852 - Holand (135)
- 10 HCS HB 1290 - Portwood (92)
- 11 HCS HB 1278 - Luetkemeyer (115)
- 12 HCS HB 855 - Holand (135)
- 13 HCS HB 959 - Luetkemeyer (115)
- 14 HCS HB 1150 - May (149)
- 15 HB 1092 - Deeken (114)
- 16 HCS HB 1115 - Dempsey (18)
- 17 HB 1183 - Mayer (159)
- 18 HCS HB 1207 - Icet (84)

HOUSE BILLS FOR PERFECTION - CONSENT

(3/04/04)

- 1 HCS HB 1363 - Fares (91)
- 2 HCS HB 1439 - Crawford (117)
- 3 HB 826 - Kelly (144)
- 4 HB 1291 - Pearce (121)
- 5 HB 956 - May (149)
- 6 HB 1398 - Lager (4)
- 7 HCS HB 1399 - Lager (4)
- 8 HB 1259 - Threlkeld (109)
- 9 HB 1317 - Kingery (154)
- 10 HB 937 - Moore (20)
- 11 HB 904 - Luetkemeyer (115)
- 12 HB 824 - Seigfreid (26)
- 13 HCS HB 883 - Graham (24)
- 14 HB 884 - Ward (107)
- 15 HCS HB 912 - Page (82)
- 16 HB 1029, HCA 1 - Henke (11)

- 17 HB 1114 - Skaggs (31)
- 18 HB 1142, HCA 1 - Daus (67)
- 19 HCS HB 1171 - Rector (124)
- 20 HCS HB 1192 - Schlottach (111)
- 21 HB 1223 - Ward (107)
- 22 HCS HB 1471 - Brooks (37)

(3/10/04)

- 1 HCS HB 985 - Wood (62)
- 2 HB 996 - Dusenberg (54)
- 3 HCS HB 1136 - Rupp (13)
- 4 HB 1187 - Ervin (35)
- 5 HB 1188 - Lipke (157)
- 6 HCS HB 1288 - Dougherty (53)
- 7 HCS HB 1179 - Corcoran (77)
- 8 HCS HB 1347 - Jetton (156)
- 9 HCS HB 1456 - Black (161)

HOUSE BILL FOR THIRD READING

HS HCS HB 1304 - Byrd (94)

SENATE BILLS FOR SECOND READING

- 1 SCS SB 754
- 2 SCS SB 937
- 3 SCS SB 1040

VETOED HOUSE BILL

HCR 5 - Byrd (94)