

JOURNAL OF THE HOUSE

Second Regular Session, 92nd GENERAL ASSEMBLY

FORTY-SECOND DAY, MONDAY, MARCH 29, 2004

The House met pursuant to adjournment.

Speaker Hanaway in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, it is written, "Anger is cruel, and wrath is like a flood, but who can survive the destructiveness of jealousy?" Help us, in the second half of this legislative session, to engage in lively, constructive debate, while showing civility to one another. May our discussions be stimulating and candid as we seek to do Your will and the will of the electorate.

Thank You for preparing us for such a time as this. May we be fit and able to finish the task before us.

And now unto You be glory both now and forever.....

In the name of Your Son we pray. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as an Honorary Page for the Day, to serve without compensation: Emma Christine Maxwell.

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

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1266	-	Representative Walton
House Resolution No. 1267	-	Representative Carnahan
House Resolution No. 1268	-	Representative Bamitz
House Resolution No. 1269	-	Representative Whorton
House Resolution No. 1270	-	Representative El-Amin
House Resolution No. 1271	-	Representative Rector
House Resolution No. 1272	-	Representative Sander
House Resolution No. 1273	-	Representatives Hubbard and Thompson
House Resolution No. 1274	-	Representative Rector
House Resolution No. 1275	-	Representative Bland
House Resolution No. 1276	-	Representative Seigfreid

- House Resolution No. 1277
and
House Resolution No. 1278 - Representative Munzlinger
House Resolution No. 1279 - Representative Bough
House Resolution No. 1280
through
House Resolution No. 1293 - Representative Portwood
House Resolution No. 1294 - Representative Bough
House Resolution No. 1295 - Representative Crowell
House Resolution No. 1296
and
House Resolution No. 1297 - Representative Munzlinger
House Resolution No. 1298 - Representative Whorton
House Resolution No. 1299 - Representative Pearce
House Resolution No. 1300
and
House Resolution No. 1301 - Representative Yates
House Resolution No. 1302 - Representative Sander
House Resolution No. 1303 - Representatives Graham and Harris (23)
House Resolution No. 1304 - Representative Zweifel, et al
House Resolution No. 1305
and
House Resolution No. 1306 - Representative Moore
House Resolution No. 1307 - Representatives Rupp and Threlkeld
House Resolution No. 1308 - Representative Roark
House Resolution No. 1309 - Representative Abel
House Resolution No. 1310 - Representative Munzlinger
House Resolution No. 1311
and
House Resolution No. 1312 - Representative Dougherty
House Resolution No. 1313 - Representatives Willoughby and Meadows
House Resolution No. 1314 - Representative Dethrow
House Resolution No. 1315 - Representative Wilson (130)
House Resolution No. 1316 - Representative Riback Wilson (25)

INTRODUCTION OF HOUSE BILLS

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

HB 1694, introduced by Representative Schoemehl, relating to armored car crew members.

HB 1695, introduced by Representative Luetkemeyer, relating to utility companies.

HB 1696, introduced by Representative Lembke, relating to disclosure of certain lessor ownership interests.

HB 1697, introduced by Representatives Cooper (120) and Angst, relating to retail transactions involving a trade-in or rebate.

SECOND READING OF HOUSE BILLS

HB 1686 through **HB 1693** were read the second time.

SECOND READING OF SENATE BILLS

SB 768, SB 824, SB 884, SS SCS SB 960, SCS SB 974, SB 1055, SB 1064, SB 1111, SB 1123, SB 1130, SB 1133, SCS SB 1141, SCS SB 1181, SCS SB 1188, SCS SB 1240, SB 1249, SCS SB 1250 and SB 1257 were read the second time.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed the following Conference Committee to act with a like committee from the Senate on the following bill:

SCS HCS HB 1014: Representatives Bearden, Lager, Purgason, Campbell and LeVota

PERFECTION OF HOUSE BILL

HCS HB 1278, as amended, with House Amendment No. 2, pending, relating to insurance, was taken up by Representative Luetkemeyer.

House Amendment No. 2 was withdrawn.

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 1278, Page 2, Section 374.160, Line 20, by deleting the phrase "[fifteen] **ten**" and inserting in lieu thereof the following:

"fifteen"; and

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

Representative Hobbs assumed the Chair.

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

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

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 1278, Page 34, Section 376.433, Lines 4 through 10, by deleting said lines and by inserting in lieu thereof the following:

“shall have the same rights and obligations, and be subject to the same remedies, as the department of social services has with medicaid, as provided in section 208.215, RSMo.”; and

Further amend said section, Line 12, by inserting immediately after said line the following:

“3. This section shall not apply to limited benefit supplemental health insurance policies paid for entirely by an employee of the public entity.”; and

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

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

Representative Riback Wilson (25) offered **House Amendment No. 5**.

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 1278, Page 45, Section 376.816, Line 19, by inserting immediately after said line the following:

“376.841. Sections 376.825 to 376.840 shall not expire on January 1, 2005.”; and

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

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

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

AMEND House Committee Substitute for House Bill No. 1278, Page 45, Section 376.816, Line 19, by inserting immediately after said line the following:

“376.841. Sections 376.825 to 376.840 shall expire on January 1, 2010.”; and

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

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

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

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 1278, Page 80, Section 384.065, Line 15, by inserting after all of said line the following:

"407.730. As used in sections 407.730 to 407.748, the following terms mean:

(1) **"Authorized driver":**

(a) **The renter;**

(b) **The renter's spouse if the spouse is a licensed driver and satisfies the car rental company's minimum age requirement;**

(c) **The renter's employee or co-worker if they are engaged in business activity with the person to whom the vehicle is rented, are licensed drivers, and satisfy the rental company's minimum age requirements;**

(d) **Any person who operates the vehicle during an emergency situation; and**

(e) **Any person expressly listed by the car rental company on the renter's contract as an authorized driver;**

(2) **"Blackout date", any date on which an advertised price is totally unavailable to the public;**

(3) **"Car rental company", any person or entity in the business of renting private passenger vehicles to the public;**

[(2)] (4) **"Clear and conspicuous", that the statement, representation or term being disclosed is of such size, color contrast, and audibility and is so presented as to be readily noticed and understood by the person to whom it is being disclosed. All language and terms should be used in accordance with their common or ordinary usage and meaning;**

[(3)] (5) **"Collision damage waiver", any product a consumer purchases from a car rental company in order to waive all or part of his [liability in the event of a collision, other damage to] responsibility for damages, or loss [due to theft] of, a rental vehicle;**

[(4)] (6) **"Limited time availability", that the advertised rental price is only available for a specific period of time or that the price is not available during certain blackout periods;**

[(5)] (7) **"Material restriction", a restriction, limitation or other requirement which significantly affects the price of, use of, or a consumer's financial responsibility for a rental car;**

[(6)] (8) **"Mandatory charge", any charge, fee, or surcharge consumers must generally pay in order to obtain or operate a rental vehicle;**

(9) **"Car rental insurance", products and services that are offered in connection with and incidental to the rental of a motor vehicle under subdivision (10) of subsection 1 of section 375.786, RSMo. This definition of optional car rental insurance or any other definition of insurance shall not include collision damage waiver;**

(10) **"Rental agreement", any document or combination of documents, which, when read together and incorporated by reference to each other, relate to and establish the terms and conditions of the rental of a motor vehicle by an individual; or when such combination of documents are entered into as part of any written master, corporate, group or individual agreement setting forth the terms and conditions governing the use of a rental car rented by a car rental company;**

[(7)] (11) **"Advertisement", oral, written, graphic or pictorial statements made in the course of solicitation of business including, without limitation, any statement or representation made in a newspaper, magazine, the car rental company's proprietary web site, or other publication, or contained in any notice, sign, poster, display, circular, pamphlet, or letter which may collectively be called "print advertisements", or on radio or television, which may be referred to as "broadcast commercials".**

407.735. 1. Any business practices utilized by car rental companies in furtherance of their business of renting vehicles to the public shall be nondeceptive, fair and shall not be unconscionable.

2. Any collision damage waiver product offered for sale to the public shall not contain any provisions that are deceptive, unfair or unconscionable. It is deceptive, unfair, and unconscionable to require a consumer to assume absolute liability for damage or loss up to the total value of a rental vehicle regardless of fault as a condition of the rental agreement, and then not include as part of any collision damage waiver product, a waiver of liability for any damage or loss which occurs as a result of the consumer's ordinary negligence, except where:

(1) The damage is caused intentionally by an authorized driver or as a result of his willful and wanton misconduct;

(2) The damage arises out of the authorized driver's operation of the vehicle while intoxicated or under the influence of any illegal or unauthorized drug;

(3) The rental transaction is based on fraudulent information supplied by the renter;

(4) The damage arises out of the use of the vehicle while committing or otherwise engaged in a criminal act in which the automobile usage is substantially related to the nature of the criminal activity;

(5) The damage arises out of the use of the vehicle to carry persons or property for hire;

(6) The damage occurs while the vehicle is operated by a person other than an authorized driver[. For the purposes of this subsection, "authorized driver" means the person to whom the vehicle is rented; the renter's spouse or other family members who are licensed drivers and satisfy the rental company's minimum age requirement; the renter's employer or co-worker if they are engaged in business activity with the person to whom the vehicle is rented, are licensed drivers, and satisfy the rental company's minimum age requirement; any person who operates the vehicle during an emergency situation or while parking the vehicle at a commercial establishment; and any person expressly listed by the rental company on the rental agreement as an authorized driver] **as defined in section 407.730;**

(7) The damage arises out of the use of the vehicle outside of the United States unless such use is specifically authorized by the rental agreement;

(8) Towing or pushing anything or if operation of the vehicle on an unpaved road has resulted in damage or loss which is a direct result of the road or driving conditions;

(9) Loss due to the theft of the rental vehicle. However, the renter shall be presumed to have no liability for any loss due to theft if (A) an authorized driver has possession of the ignition key furnished by the rental company or an authorized driver establishes that the ignition key furnished by the **car** rental company was not in the vehicle at the time of the theft, and (B) an authorized driver files an official report of the theft with the police or other law enforcement agency within twenty-four hours of learning of the theft and reasonably cooperates with the **car** rental company and the police or other law enforcement agency in providing information concerning the theft. The presumption set forth in this paragraph is a presumption affecting the burden of proof which the **car** rental company may rebut by establishing that an authorized driver committed, or aided and abetted the commission of, the theft.

3. Any claim resulting from damage to or loss of a rental vehicle shall be reasonably and rationally related to the actual loss incurred. The **car** rental company shall not assert or collect any claim for physical or mechanical damage to or loss of a rental vehicle which exceeds: the actual cash value of the vehicle immediately before the loss less any proceeds from the vehicle's disposal after the loss, or the actual cost to repair the damaged vehicle including all discounts or price reductions, whichever is less. Such claim shall be based on an estimate of damage or repair invoice made by an independent appraisal company, an insurance company, or a repair facility that completed or would complete the repairs. A **car** rental company's charge for loss of use shall not exceed a reasonable estimate of the actual income lost.

4. It is a deceptive and unfair practice for a car rental company or employee to misrepresent any **material** element of a rental agreement transaction or to fail to disclose to consumers [all] **any** material facts [and restrictions] **or restriction** applicable to the rental of a vehicle or in the sale of [optional products or services] **collision damage waiver and car rental insurance**. The company shall disclose **in the rental agreement** the extent of the consumer's liability for the vehicle and the price for collision damage waiver, **car rental insurance**, and applicable mileage limitations and charges. **A car rental company shall not require the purchase of collision damage waiver or car rental insurance**. No car rental company shall sell or offer to sell a consumer a collision damage waiver [product] **or car rental insurance** as a part of the rental agreement unless the car rental company [first] provides the consumer with the following written notice:

[NOTICE: THIS CONTRACT OFFERS, FOR AN ADDITIONAL CHARGE, A COLLISION DAMAGE WAIVER TO COVER YOUR RESPONSIBILITY FOR DAMAGE TO THE VEHICLE. BEFORE YOU DECIDE WHETHER TO PURCHASE THE COLLISION DAMAGE WAIVER PRODUCT, YOU MAY WISH TO DETERMINE WHETHER YOUR OWN VEHICLE INSURANCE AFFORDS YOU COVERAGE FOR DAMAGE TO THE RENTAL VEHICLE AND THE AMOUNT OF THE DEDUCTIBLE UNDER YOUR OWN INSURANCE COVERAGE. THE PURCHASE OF THIS COLLISION DAMAGE WAIVER PRODUCT IS NOT MANDATORY AND MAY BE DECLINED.] **COLLISION DAMAGE WAIVER AND CAR RENTAL INSURANCE NOTICE: OUR CONTRACT OFFERS FOR AN ADDITIONAL CHARGE COLLISION DAMAGE AND CAR RENTAL INSURANCE PRODUCTS. BEFORE DECIDING WHETHER TO PURCHASE ANY OF THESE OPTIONAL PRODUCTS, YOU MAY WISH TO DETERMINE WHETHER YOUR PERSONAL INSURANCE OR CREDIT CARD PROVIDES YOU COVERAGE DURING THE RENTAL PERIOD. THE PURCHASE OF ANY OF THESE OPTIONAL PRODUCTS IS NOT REQUIRED TO RENT A VEHICLE.**

Such notice shall be made on the face of the rental agreement as part of the written contract, shall be set apart in boldface type and in no smaller print than 10-point type, and shall include a space for the consumer to acknowledge his **or her** receipt of this notice.

5. **The car rental company shall provide a notice at the rental office in the form of a sign, placard, or brochure that informs the consumer of the following:**

(1) **The availability of collision damage waiver;**

- (2) The availability of car rental insurance;
- (3) That collision damage waiver and car rental insurance may be added or removed at any time with the charges and benefits applying only during the period of purchase; and
- (4) A statement that the purchase of collision damage waiver and/or car rental insurance is not required in order to rent.

The following language may be used to comply with the requirements of this section, but shall not be considered the exclusive language that may be used:

COLLISION DAMAGE WAIVER AND CAR RENTAL INSURANCE NOTICE:

Our contract offers for an additional charge optional products which provide you protection during your rental, including:

1. **Collision Damage Waiver:** You are responsible for all damages to or loss of the rental vehicle. A Collision Damage Waiver will relieve you of responsibility for all or part of the damage to the rental vehicle that may occur during the rental period.

2. **Personal Accident Insurance:** Personal Accident Insurance provides accidental death and accident medical insurance that protects you during the rental period in or out of the rental vehicle and your passengers while in the rental vehicle.

3. **Personal Effects Coverage:** Personal Effects Coverage protects your possessions from loss or damage during the rental period.

4. **Liability Insurance:** Liability Insurance provides protection to cover injuries or death to third parties or damage to a third party's property if you are at fault in an accident with the rental vehicle during the rental period.

Any time during the rental period you may prospectively add or remove any of these optional products by bringing the rental vehicle and your rental agreement to any of the car rental company's locations. Charges and benefits will apply only during the period of purchase.

For a further description of collision damage waiver and car rental insurance, please see your rental agreement.

Before deciding to purchase any of these optional products, you may wish to determine whether your personal insurance or credit card provides you coverage during the rental period.

Before deciding to purchase any of these optional products, you may wish to determine whether your personal insurance or credit card provides you coverage during the rental period.

The purchase of any of these products is not required to rent a vehicle.

6. Car rental companies shall not place a hold against a consumer's credit limit or charge a consumer's credit card in a deceptive or unfair manner, and without full and complete disclosure of such practice.

7. **Notwithstanding any other provisions of law to the contrary, any car rental company that is found after notice and hearing to have violated any provision of this section shall be subject to a fine of fifty dollars for each violation. No fine or fines shall be imposed against a car rental company under this section which in the aggregate exceeds ten thousand dollars in any calendar year.**"; and

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

On motion of Representative Engler, **House Amendment No. 6** was adopted.

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

House Amendment No. 7

AMEND House Committee Substitute for House Bill No. 1278, Page 34, Section 376.433, Line 12, by adding after said line the following:

"Except that any public entity shall be prohibited from collecting more money from any third party or person who is liable for payment than the public entity is allowed to recover under the public entity's self-

insurance plan. In addition, no public entity shall be allowed to enforce the terms and conditions of the public entity's self-insurance policy on any health care provider who has been paid or is entitled to be paid for services rendered from any third party.”.

On motion of Representative Portwood, **House Amendment No. 7** was adopted.

Representative Daus offered **House Amendment No. 8**.

Representative Luetkemeyer raised a point of order that **House Amendment No. 8** goes beyond the scope of the bill.

Representative Hobbs requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

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

House Amendment No. 9

AMEND House Committee Substitute for House Bill No. 1278, Page 81, Section 379.942, Line 55, by inserting after all of said line the following:

“**Section 1. Any insurer who provides insurance coverage for homeowners in the State of Missouri shall not increase premiums for any person over the age of 62 years.**”; and

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

Representative Selby moved that **House Amendment No. 9** be adopted.

Which motion was defeated by the following vote:

AYES: 061

Barnitz	Bishop	Bland	Boykins	Bringer
Brooks	Burnett	Campbell	Carnahan	Curls
Darrough	Daus	Davis 122	Dougherty	Fraser
Graham	Green	Harris 110	Harris 23	Haywood
Henke	Hilgemann	Hoskins	Hubbard	Johnson 90
Jolly	Jones	Kelly 36	Kratky	Kuessner
Lawson	LeVota	Liese	Lowe	Meadows
Meiners	Muckler	Page	Ransdall	Sager
Salva	Schoemehl	Seigfreid	Selby	Shoemyer
Skaggs	Swinger	Thompson	Vogt	Walker
Walsh	Walton	Wildberger	Willoughby	Wilson 25
Wilson 42	Witte	Wood	Yaeger	Young
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	Ice	Jackson	Jetton
Johnson 47	Kelly 144	King	Kingery	Lager
Lembke	Lipke	Luetkemeyer	Marsh	May
Mayer	Miller	Moore	Morris	Munzlinger
Myers	Nieves	Parker	Pearce	Phillips
Portwood	Pratt	Purgason	Quinn	Rector
Reinhart	Richard	Roark	Ruestman	Rupp
Sander	Schaaf	Schlottach	Schneider	Self
Shoemaker	Smith 118	Smith 14	St. Onge	Stefanick
Stevenson	Sutherland	Taylor	Threlkeld	Townley
Viebrock	Villa	Wallace	Whorton	Wilson 119
Wilson 130	Wright	Yates	Madam Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 013

Abel	Avery	Corcoran	Donnelly	El-Amin
George	Hampton	Johnson 61	McKenna	Spreng
Wagner	Ward	Wasson		

Representative Crowell moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

Angst	Baker	Bean	Bearden	Behnen
Bivins	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	Ice	Jackson	Jetton	Johnson 47
Kelly 144	King	Kingery	Lager	Lembke
Lipke	Luetkemeyer	Marsh	May	Mayer
Miller	Moore	Morris	Munzlinger	Myers
Nieves	Parker	Pearce	Phillips	Portwood
Pratt	Purgason	Quinn	Rector	Reinhart
Richard	Roark	Ruestman	Rupp	Sander
Schaaf	Schlottach	Schneider	Self	Shoemaker
Smith 118	Smith 14	St. Onge	Stefanick	Stevenson
Sutherland	Taylor	Threlkeld	Townley	Viebrock
Wallace	Wilson 119	Wilson 130	Wood	Wright
Yates	Madam Speaker			

NOES: 069

Abel	Barnitz	Bishop	Bland	Boykins
Bringer	Brooks	Burnett	Campbell	Carnahan
Corcoran	Curls	Darrrough	Daus	Davis 122
Donnelly	Dougherty	Fraser	Graham	Green
Harris 110	Harris 23	Haywood	Henke	Hilgemann

Hoskins	Hubbard	Johnson 61	Johnson 90	Jolly
Jones	Kelly 36	Kratky	Kuessner	Lawson
LeVota	Liese	Lowe	McKenna	Meadows
Meiners	Muckler	Page	Ransdall	Sager
Salva	Schoemehl	Seigfreid	Selby	Shoemyer
Skaggs	Spreng	Swinger	Thompson	Villa
Vogt	Wagner	Walker	Walsh	Walton
Whorton	Wildberger	Willoughby	Wilson 25	Wilson 42
Witte	Yaeger	Young	Zweifel	

PRESENT: 000

ABSENT WITH LEAVE: 007

Avery	Black	El-Amin	George	Hampton
Ward	Wasson			

On motion of Representative Luetkemeyer, **HCS HB 1278, as amended**, was adopted.

On motion of Representative Luetkemeyer, **HCS HB 1278, as amended**, was ordered perfected and printed.

BILL CARRYING REQUEST MESSAGE

HCS SB 739, as amended, relating to environmental rules, was taken up by Representative Myers.

Representative Myers moved that the House refuse to recede from its position on **HCS SB 739, as amended**, and grant the Senate a conference.

Which motion was adopted.

COMMITTEE REPORTS

Committee on Judiciary, Chairman Byrd reporting:

Madam Speaker: Your Committee on Judiciary, to which was referred **HB 1511**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Committee on Transportation and Motor Vehicles, Chairman Crawford reporting:

Madam Speaker: Your Committee on Transportation and Motor Vehicles, to which was referred **HB 1109**, begs leave to report it has examined the same and recommends that it **Do Pass**.

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 passed **SCS SB 771**, entitled:

An act to amend chapter 304, RSMo, by adding thereto one new section relating to the regulation of low-speed vehicles.

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 **SB 772**, entitled:

An act to repeal section 307.100, RSMo, and to enact in lieu thereof one new section relating to flashing warning signals on certain motor vehicles.

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 799**, entitled:

An act to repeal sections 193.165 and 193.255, RSMo, and to enact in lieu thereof two new sections relating to certificate of birth resulting in stillbirth.

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 **SB 1047**, entitled:

An act to repeal sections 210.481, 210.484, and 210.486, RSMo, and to enact in lieu thereof two new sections relating to facilities providing twenty-four-hour care for children in a group setting.

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 **SB 1083**, entitled:

An act to repeal section 701.342, RSMo, and to enact in lieu thereof one new section relating to testing for lead poisoning in children.

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 1084**, entitled:

An act to repeal sections 168.303, 169.712, and 169.596, RSMo, and to enact in lieu thereof three new sections relating to the teacher retirement system.

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 1093**, entitled:

An act to amend chapters 67, 362, and 369, RSMo, by adding thereto three new sections relating to investment of public funds.

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 **SB 1165**, entitled:

An act to repeal section 67.2015, RSMo, relating to taxation in any county of the third classification without a township form of government and with more than eight thousand three hundred but less than eight thousand four hundred inhabitants, with an effective date.

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 1235**, entitled:

An act to repeal sections 375.246, 375.1198, and 375.1220, RSMo, and to enact in lieu thereof three new sections relating to insurer liquidation law.

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 1262**, entitled:

An act to repeal sections 301.010 and 301.217, RSMo, and to enact in lieu thereof two new sections relating to salvage motor vehicles.

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 **SB 1274**, entitled:

An act to amend chapter 191, RSMo, by adding thereto one new section relating to area health education centers.

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 **SB 1299**, entitled:

An act to repeal section 379.825, RSMo, and to enact in lieu thereof one new section relating to residential property insurance.

In which the concurrence of the House is respectfully requested.

ADJOURNMENT

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Tuesday, March 30, 2004.

CORRECTIONS TO THE HOUSE JOURNAL

AFFIDAVITS

I, State Representative John Burnett, District 40, hereby state and affirm that my vote as recorded on Page 747 of the House Journal for Thursday, March 18, 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 29th day of March 2004.

/s/ John Burnett
State Representative

State of Missouri)
County of Cole) ss.
County of Cole)

Subscribed and sworn to before me this 29th day of March in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Yvonne Wilson, District 42, hereby state and affirm that my vote as recorded on Page 748 of the House Journal for Thursday, March 18, 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 29th day of March 2004.

/s/ Yvonne Wilson
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 29th day of March in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Sue Schoemehl, District 100, hereby state and affirm that my vote as recorded on Page 750 of the House Journal for Thursday, March 18, 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 29th day of March 2004.

/s/ Sue Schoemehl
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 29th day of March in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Bryan P. Stevenson, District 128, hereby state and affirm that my vote as recorded on Page 750 of the House Journal for Thursday, March 18, 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 29th day of March 2004.

/s/ Bryan P. Stevenson
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 29th day of March in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Mike Sutherland, District 99, hereby state and affirm that my vote as recorded on Page 751 of the House Journal for Thursday, March 18, 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 29th day of March 2004.

/s/ Mike Sutherland
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 29th day of March in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Brian Yates, District 56, hereby state and affirm that my vote as recorded on Page 752 of the House Journal for Thursday, March 18, 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 29th day of March 2004.

/s/ Brian Yates
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 29th day of March in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Ron Richard, District 129, hereby state and affirm that my vote as recorded on Page 752 of the House Journal for Thursday, March 18, 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 29th day of March 2004.

/s/ Ron Richard
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 29th day of March in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Dan Bishop, District 38, hereby state and affirm that my vote as recorded on Page 753 of the House Journal for Thursday, March 18, 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 29th day of March 2004.

/s/ Dan Bishop
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 29th day of March in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

I, State Representative Mike Dethrow, District 153, hereby state and affirm that my vote as recorded on Page 754 of the House Journal for Thursday, March 18, 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 29th day of March 2004.

/s/ Mike Dethrow
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 29th day of March in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

COMMITTEE MEETINGS

AGRICULTURE

Tuesday, March 30, 2004, 12:00 p.m. Hearing Room 1.

Possible Executive session.

Public hearings to be held on: HB 1507, HB 1432, SS SCS SBs 740, 886 & 1178

BUDGET

Tuesday, March 30, 2004, 8:00 a.m. Hearing Room 3.

Possible Executive session.

Other bills that may be assigned or referred to committee for fiscal review.

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

BUDGET

Tuesday, March 30, 2004, 8:00 p.m. Hearing Room 3.

Possible Executive session.

Other bills that may be assigned or referred to committee for fiscal review.

Public hearings to be held on: 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

Tuesday, March 30, 2004, Hearing Room 3 upon morning adjournment.

Executive session may follow

Public hearings to be held on: HB 1361, HB 1497, SCS SB 878

CONSERVATION AND NATURAL RESOURCES

Wednesday, March 31, 2004, 12:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 1567, HB 1602, HB 1609

CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, March 30, 2004, Hearing Room 3 upon evening adjournment.

Executive session may follow.

Public hearings to be held on: HB 1490, HB 1450, HB 1245, HB 1264

ELECTIONS

Tuesday, March 30, 2004, Hearing Room 7 upon afternoon adjournment.

Executive session will precede the hearing. Executive session to include HJR 37.

Public hearings to be held on: HB 1539, HB 1319, HB 1220

FINANCIAL SERVICES

Tuesday, March 30, 2004, 12:00 p.m. Hearing Room 6.

Possible Executive session.

Public hearings to be held on: HB 1570, HB 1665

HOMELAND SECURITY AND VETERANS AFFAIRS

Tuesday, March 30, 2004, Hearing Room 5 upon afternoon adjournment.

Executive session may or may not follow.

Public hearing to be held on: HB 1670

JOINT COMMITTEE ON TERRORISM, BIOTERRORISM AND HOMELAND SECURITY

Monday, April 5, 2004, 11:00 a.m. Hearing Room 6.

Gene Carroll from St. Louis University will speak on SARS, etc.

JUDICIARY

Wednesday, March 31, 2004, 12:00 p.m. Hearing Room 1.

Informational discussion regarding Omnibus bill.

Public hearings to be held on: HB 1664, HB 1229, HB 1205, HB 1646, SB 781, SCS SB 980

Executive session will be held on: HB 965, SB 781

LOCAL GOVERNMENT

Thursday, April 1, 2004, 8:15 a.m. Hearing Room 6.

Continuation of hearing opponents only on HB 1446.

Public hearings to be held on: SCS SB 782, SCS SBs 942, 850 & 841, SB 769

Executive session will be held on: SCS SB 952, SS SB 732, SCS SB 1062

PROFESSIONAL REGISTRATION AND LICENSING

Tuesday, March 30, 2004, 12:00 p.m. Hearing Room 4.

Public hearings to be held on: HB 924, HB 1044, HB 1619

Executive session may be held on: HB 837, HB 1464, HB 1522

SENIOR SECURITY

Tuesday, March 30, 2004, 5:00 p.m. Hearing Room 6.

Public hearing to be held on: HB 1562

Executive session may be held on: HCR 9, HB 1230

SMALL BUSINESS

Wednesday, March 31, 2004, Hearing Room 4 upon morning adjournment.

Executive session may follow

Public hearing to be held on: HB 1327

TAX POLICY

Tuesday, March 30, 2004, 12:00 p.m. Hearing Room 7.

Guest speaker - Dr. Lynn Reaser.

If time allows, discussion of subcommittee report will follow.

Executive session may follow.

TOURISM AND CULTURAL AFFAIRS

Tuesday, March 30, 2004, 12:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 1553, HB 1556, SCS SB 754

TRANSPORTATION AND MOTOR VEHICLES

Wednesday, March 31, 2004, 12:00 p.m. Hearing Room 7.

Public hearings to be held on: HB 1583, HB 1592, HB 1499, HB 1525, HB 1582, SCS SJR 44

Executive session may be held on: SCS SB 767, SB 770, SCS SB 1006

HOUSE CALENDAR

FORTY-THIRD DAY, TUESDAY, MARCH 30, 2004

HOUSE BILLS FOR SECOND READING

HB 1694 through HB 1697

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 BILLS FOR PERFECTION

- 1 HCS HB 1105, 1062, 1111, 1113 & 1119 - Crawford (117)
- 2 HCS HB 1380 - Lager (4)
- 3 HCS HB 1150 - May (149)
- 4 HB 1092 - Deeken (114)
- 5 HCS HB 1207 - Icet (84)
- 6 HCS HB 774 - Sander (22)
- 7 HCS HB 843, 880 & 1042 - Angst (146)
- 8 HCS HB 1099 - Reinhart (34)
- 9 HB 1424 - Stefanick (93)
- 10 HB 773 - Icet (84)
- 11 HB 1302 - Lager (4)
- 12 HCS HB 1453 - Hanaway (87)
- 13 HCS HB 1085 - Townley (112)
- 14 HCS HB 1195 - Behnen (2)
- 15 HB 1337 - Nieves (98)
- 16 HCS HB 1617 - Hanaway (87)
- 17 HCS HB 1511 - Byrd (94)
- 18 HB 1109 - Crawford (117)

HOUSE BILL FOR PERFECTION - FEDERAL MANDATE

HCS HB 1118 - Schlottach (111)

HOUSE BILLS FOR PERFECTION - CONSENT

(3/16/04)

- 1 HB 1048 - Parker (12)
- 2 HCS HB 1069 - Bivins (97)

- 3 HCS HB 1090 - Bishop (38)
- 4 HB 1217 - Johnson (47)
- 5 HCS HB 1233 - Dixon (140)
- 6 HCS HB 1253 - Luetkemeyer (115)
- 7 HCS HB 1405 - Dougherty (53)
- 8 HB 1440 - Deeken (114)
- 9 HB 1444 - Moore (20)
- 10 HB 1445 - Mayer (159)
- 11 HB 1502 - Wilson (42)
- 12 HCS HB 1529 & 1655 - Lembke (85)
- 13 HB 1603 - Lager (4)
- 14 HCS HB 1631 & 1623 - Dixon (140)
- 15 HCS HB 1660 - Lager (4)

(3/17/04)

- 1 HB 1454 - Swinger (162)
- 2 HB 1462 - Bean, Jr. (163)

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 855 - Holand (135)
- 2 HCS HB 1055 - Bruns (113)
- 3 HCS HB 1041, E.C. - Cunningham (86)
- 4 HCS HB 1074 & 1129 - Byrd (94)
- 5 HCS HB 1098 & 949 - Goodman (132)
- 6 HB 1504, E.C. - Lipke (157)
- 7 HB 869 - Townley (112)
- 8 HCS HB 988 - Yates (56)
- 9 HCS HB 1277, E.C. - Townley (112)
- 10 HCS HB 795, 972, 1128 & 1161 - Johnson (47)
- 11 HS HB 1193 - Self (116)
- 12 HCS HB 1152 - Wilson (130)
- 13 HB 1167 - Kelly (144)
- 14 HS HB 1487, E.C. - Self (116)
- 15 HCS HB 941 - Davis (122)
- 16 HB 1494 - Ervin (35)
- 17 HS HCS HB 978, (Budget 3-18-04) - Baker (123)
- 18 HB 1616 - Hanaway (87)
- 19 HCS HB 1278 - Luetkemeyer (115)

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HCS HB 883 - Graham (24)
- 2 HB 884 - Ward (107)

- 3 HB 1029, HCA 1 - Henke (11)
- 4 HB 1114 - Skaggs (31)
- 5 HB 1142, HCA 1 - Daus (67)
- 6 HB 1223 - Ward (107)
- 7 HCS HB 1471 - Brooks (37)
- 8 HCS HB 1179 - Corcoran (77)
- 9 HCS HB 798 - Shoemaker (8)
- 10 HB 822 - Luetkemeyer (115)
- 11 HCS HB 1246 - Portwood (92)
- 12 HCS HB 1422 - Stefanick (93)
- 13 HB 1427 - Portwood (92)
- 14 HB 1364 - Bishop (38)
- 15 HB 1572 - St. Onge (88)
- 16 HB 1622 - Wasson (141)
- 17 HCS HB 928 - Bivins (97)
- 18 HB 970 - Portwood (92)
- 19 HCS HB 1123 - Smith (14)
- 20 HCS HB 1201 - Dusenbergs (54)
- 21 HCS HB 1280 - Kingery (154)
- 22 HCS HB 1284 - Engler (106)
- 23 HB 1438 - Ward (107)
- 24 HB 1442 - Lipke (157)
- 25 HCS HB 1449 - Bruns (113)
- 26 HB 1489 - Barnitz (150)
- 27 HB 1508 - Baker (123)
- 28 HB 1575 - Mayer (159)
- 29 HB 1493 - Emery (126)
- 30 HB 1407 - Mayer (159)
- 31 HB 1362, HCA 1 - Hobbs (21)
- 32 HB 1377 - Sutherland (99)
- 33 HCS HB 1321 - Schaaf (28)
- 34 HB 1608 - Dougherty (53)
- 35 HB 1635 - Salva (51)
- 36 HB 1612 - Bringer (6)
- 37 HB 1634 - Behnen (2)
- 38 HCS HB 1524 - Ransdall (148)
- 39 HCS HB 1614 - Holand (135)
- 40 HB 1604 - Bean, Jr. (163)
- 41 HB 1610 - Ward (107)
- 42 HB 1613, E.C. - Morris (138)

SENATE BILLS FOR SECOND READING

- 1 SCS SB 771
- 2 SB 772

790 *Journal of the House*

3	SCS SB 799
4	SB 1047
5	SB 1083
6	SCS SB 1084
7	SCS SB 1093
8	SB 1165
9	SCS SB 1235
10	SCS SB 1262
11	SB 1274
12	SB 1299

SENATE BILL FOR THIRD READING

HCS SB 1080 - Wallace (143)

BILLS IN CONFERENCE

1	HS HCS SS SCS SB 730, as amended - Portwood (92)
2	SCS HCS HB 1014, as amended - Bearden (16)
3	HCS SB 739, as amended - Myers (160)

VETOED HOUSE BILL

HCR 5 - Byrd (94)