

JOURNAL OF THE HOUSE

Second Regular Session, 92nd GENERAL ASSEMBLY

FIFTY-NINTH DAY, WEDNESDAY, APRIL 28, 2004

The House met pursuant to adjournment.

Speaker Hanaway in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, we are instructed this morning by Your Word, which says, "I know the plans I have for you, plans to prosper you and not to harm you, plans to give you hope and a future." We take this moment to thank You for Your established plans which gives us hope for our future. May we yield our hearts to these plans and purposes as we establish beneficial laws that lead to economic change and a contented populace.

May the well-being of our state be first and foremost in our thoughts and discussions throughout this day.

Provide rest for our soul and strength for our bodies that we might finish this Session well.

To You be the 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 Honorary Pages for the Day, to serve without compensation: Brittaney Stone, Kelsi Gause, Mikal Farley, Daniel Seiler, Chelsea Kenney, Crystal Hemphill, Melissa Whiteside, Keaton Paylor, Kari Salmon, Kourtney Robinson, Blake Beauchamp, Chris Geier, Emily Haskins, Katie Lucarz, Sloane Bowman, Shanese Weaver, Katherine Clayborne, Crystal Frost, Devin Legrone, Lenora Brown, Brendan Richter, Shelby Henry, Steven Reiff, Kaitlin Tinnin, Nikki Pursley, Amanda Foster, Jared Maring, Marcella Hamilton, Isabel Campbell and Jess Grommet.

The Journal of the fifty-eighth day was approved as corrected.

Representative Lager assumed the Chair.

Speaker Hanaway resumed the Chair.

SPECIAL RECOGNITION

The Lincoln University Women's Track and Field Team was introduced by Representatives Bruns, Wilson (42), Hubbard, Haywood, Walton and Luetkemeyer and recognized for being the

2004 NCAA Division II Indoor Track National Title winners and for taking first place at the 2003 NCAA Division II Outdoor National Championships.

The Seventh Annual House Employee Appreciation Day was held and employees were recognized for their years of service. Outstanding Employees of the Year were Julie Mealy and Donna Gentzsch.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

- House Resolution No. 2216
through
House Resolution No. 2243 - Representative Baker
House Resolution No. 2244
and
House Resolution No. 2245 - Representative Hanaway
House Resolution No. 2246 - Representative Ransdall
House Resolution No. 2247 - Representative Hobbs
House Resolution No. 2248 - Representative Crowell
House Resolution No. 2249 - Representative Jackson
House Resolution No. 2250 - Representative Donnelly
House Resolution No. 2251 - Representative Quinn
House Resolution No. 2252
through
House Resolution No. 2265 - Representative Black
House Resolution No. 2266
through
House Resolution No. 2279 - Representative Hobbs
House Resolution No. 2280
through
House Resolution No. 2293 - Representative Portwood
House Resolution No. 2294 - Representative Shoemaker
House Resolution No. 2295
and
House Resolution No. 2296 - Representative Wilson (42), et al
House Resolution No. 2297 - Representative Goodman
House Resolution No. 2298
through
House Resolution No. 2302 - Representative Skaggs
House Resolution No. 2303
through
House Resolution No. 2308 - Representative Yates
House Resolution No. 2309
and
House Resolution No. 2310 - Representative Whorton

HOUSE CONCURRENT RESOLUTION

Representative Parker, et al, offered House Concurrent Resolution No. 39.

INTRODUCTION OF HOUSE BILL

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

HB 1755, introduced by Representative Parker, relating to advancing minority-owned businesses.

SECOND READING OF HOUSE BILLS

HB 1752 through **HB 1754** were read the second time.

COMMITTEE REPORT

Committee on Budget, Chairman Bearden reporting:

Madam Speaker: Your Committee on Budget, to which was referred **SS SCS SB 968 and SCS SB 969** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

PERFECTION OF HOUSE BILLS - INFORMAL

HB 1599, with House Substitute Amendment No. 1 for House Amendment No. 1, House Amendment No. 1, and HS, pending, relating to a Joint Committee on Waste, Fraud and Abuse, was taken up by Representative Ervin.

Representative Bruns assumed the Chair.

Representative Crowell moved the previous question.

Which motion was adopted by the following vote:

AYES: 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	Hobbs
Hunter	Icet	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

1254 *Journal of the House*

Richard	Roark	Ruestman	Rupp	Sander
Schaaf	Schlottach	Schneider	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: 070

Abel	Barnitz	Bishop	Bland	Boykins
Bringer	Brooks	Burnett	Campbell	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 90	Jolly	Jones	Kelly 36	Kratky
Kuessner	Lawson	LeVota	Liese	Lowe
McKenna	Meadows	Meiners	Muckler	Page
Ransdall	Sager	Schoemehl	Seigfreid	Selby
Shoemyer	Skaggs	Spreng	Swinger	Thompson
Villa	Vogt	Wagner	Walker	Walsh
Walton	Ward	Wildberger	Willoughby	Wilson 25
Wilson 42	Witte	Yaeger	Young	Zweifel

PRESENT: 001

Whorton

ABSENT WITH LEAVE: 004

Avery	Holand	Johnson 61	Salva
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On motion of Representative Lembke, **House Substitute Amendment No. 1 for House Amendment No. 1** was adopted by the following vote:

AYES: 090

Angst	Baker	Bean	Bearden	Behnen
Bivins	Black	Bough	Brooks	Brown
Byrd	Cooper 120	Cooper 155	Crowell	Cunningham 145
Cunningham 86	Daus	Davis 19	Deeken	Dempsey
Dethrow	Dixon	Dusenberg	El-Amin	Emery
Engler	Ervin	Fares	Fraser	Goodman
Guest	Haywood	Hobbs	Hunter	Icet
Jackson	Jetton	Johnson 47	Kelly 144	King
Kingery	Kratky	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	Swinger
Taylor	Threlkeld	Viebrock	Wallace	Wasson
Wilson 119	Wilson 130	Wright	Yates	Madam Speaker

NOES: 062

Abel	Barnitz	Bishop	Bland	Bringer
Burnett	Carnahan	Corcoran	Curls	Darrough
Davis 122	Donnelly	Dougherty	George	Graham
Green	Hampton	Harris 110	Harris 23	Henke
Hilgemann	Hoskins	Hubbard	Johnson 61	Johnson 90
Jolly	Jones	Kelly 36	Kuessner	Lawson
LeVota	Liese	Lowe	McKenna	Meadows
Meiners	Muckler	Page	Ransdall	Sager
Schoemehl	Selby	Shoemyer	Skaggs	Spreng
Thompson	Villa	Vogt	Wagner	Walker
Walsh	Ward	Whorton	Wildberger	Willoughby
Wilson 25	Wilson 42	Witte	Wood	Yaeger
Young	Zweifel			

PRESENT: 002

Campbell	Seigfreid
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ABSENT WITH LEAVE: 009

Avery	Boykins	Bruns	Crawford	Holand
Salva	Sutherland	Townley	Walton	

Speaker Pro Tem Jetton assumed the Chair.

Representative Crowell moved the previous question.

Which motion was adopted by the following vote:

AYES: 084

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	Icet	Jackson	Jetton	Johnson 47
Kelly 144	King	Kingery	Lager	Lembke
Lipke	Luetkemeyer	Marsh	May	Mayer
Miller	Moore	Morris	Munzlinger	Myers
Nieves	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	Wilson 119
Wilson 130	Wood	Wright	Yates	

NOES: 067

Abel	Barnitz	Bland	Boykins	Bringer
Brooks	Burnett	Campbell	Carnahan	Corcoran
Curls	Darrough	Daus	Davis 122	Donnelly
Dougherty	El-Amin	Fraser	George	Hampton

1256 *Journal of the House*

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	Page	Ransdall	Sager	Schoemehl
Seigfreid	Selby	Shoemyer	Skaggs	Spreng
Swinger	Villa	Vogt	Wagner	Walker
Walsh	Walton	Ward	Whorton	Wildberger
Willoughby	Wilson 25	Wilson 42	Witte	Yaeger
Young	Zweifel			

PRESENT: 000

ABSENT WITH LEAVE: 012

Avery	Bishop	Graham	Green	Hunter
Kratky	Parker	Salva	Thompson	Wallace
Wasson	Madam Speaker			

Representative Johnson (90) requested a verification of the roll call on the motion to move the previous question.

On motion of Representative Ervin, **HS HB 1599, as amended**, was adopted.

On motion of Representative Ervin, **HS HB 1599, as amended**, was ordered perfected and printed.

HCS HB 1150, with House Amendment No. 6, and HS, as amended, pending, relating to ethics, was taken up by Representative May.

Representative Walker moved that **House Amendment No. 6** be adopted.

Which motion was defeated.

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

House Amendment No. 7 was withdrawn.

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

Representative Goodman raised a point of order that **House Amendment No. 8** goes beyond the scope of the underlying substitute.

The Chair ruled the point of order well taken.

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

House Amendment No. 9

AMEND House Substitute for House Committee Substitute for House Bill No. 1150, Section 105.487, Page 19, Line 15, by inserting the following after all of said line:

“105.489. The financial interest statements required to be filed pursuant to the provisions of sections 105.483 to 105.492, other than pursuant to subsection 4 of section 105.485, shall be filed with the appropriate filing officer or officers. For the purpose of sections 105.483 to 105.492, the term "filing officer" is defined as:

(1) In the case of state elected officials and candidates for such office, and all other state officials and employees, the filing officer is the commission;

(2) In the case of judges of courts of law, the filing officer shall be the clerk of the supreme court. Financial interest statements filed by judges shall be made available for public inspection unless otherwise provided by supreme court rule;

(3) In the case of persons holding elective office in any political subdivision and candidates for such offices, and in the case of all other officers or employees of a political subdivision, the filing officer shall be the commission;

(4) In the case of all other persons required to file financial interest statements for which no filing officer is designated, the filing officer shall be the commission.”; and

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

Representative Johnson (47) raised a point of order that **House Amendment No. 9** goes beyond the scope of the bill.

The Chair ruled the point of order untimely.

On motion of Representative Byrd, **House Amendment No. 9** was adopted.

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

House Amendment No. 10

AMEND House Substitute for House Committee Substitute for House Bill No. 1150, Page 41, Section 130.011, Line 12, by adding after the words “This Section.” the following:

“Any Representative elected to serve as Speaker of the House, Speaker Pro Tem, Majority or Minority Floor Leader, Majority or Minority Assistant Floor Leader, Majority or Minority Whip, Majority or Minority Caucus Chair, and any State Senator elected to serve as President Pro Tem, Majority or Minority Floor Leader, Majority or Minority Assistant Floor Leader, Majority or Minority Whip, or Majority or Minority Secretary, shall not qualify as a candidate for Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, or Attorney General while holding any of the above stated positions within the General Assembly.”.

Representative Sager offered **House Amendment No. 1 to House Amendment No. 10**.

House Amendment No. 1

to

House Amendment No. 10

AMEND House Amendment No. 10 to House Substitute for House Committee Substitute for House Bill No. 1150, Section 130.011, by inserting at end of said amendment:

“Section B. Because of the need to avert fiscal hardship of this state, the repeal and reenactment of section 130.011 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety,

and is hereby declared to be an emergency act within the meaning of the constitution, and repeal and reenactment of section 130.011 of this act shall be in full force and effect upon its passage and approval.”.

House Amendment No. 10, with House Amendment No. 1 pending, was withdrawn.

On motion of Representative May, **HS HCS HB 1150, as amended**, was adopted.

On motion of Representative May, **HS HCS HB 1150, as amended**, was ordered perfected and printed.

THIRD READING OF SENATE BILL

HCS SCS SB 1160, relating to a Prescription Drug Repository Program, was taken up by Representative Johnson (47).

Representative Johnson (47) offered **HS HCS SCS SB 1160**.

Representative Bruns resumed the Chair.

Speaker Hanaway resumed the Chair.

HCS SCS SB 1160, with HS, pending, was laid over.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like committees from the Senate on the following bills:

SCS HS HCS HB 1003: Representatives Bearden, Lager, Stevenson, Harris (23) and Fraser.

SCS HS HCS HB 1004: Representatives Bearden, Lager, Icet, Muckler and Zweifel.

SCS HS HCS HB 1005: Representatives Bearden, Lager, Icet, Villa and Liese.

SCS HS HCS HB 1006: Representatives Bearden, Lager, Icet, Whorton and Kuessner.

SCS HS HCS HB 1007: Representatives Bearden, Lager, Icet, Lowe and Boykins.

SCS HS HCS HB 1008: Representatives Bearden, Lager, Icet, Barnitz and Wildberger.

SCS HS HCS HB 1009: Representatives Bearden, Lager, Stevenson, Ward and Meadows.

SCS HS HCS HB 1010: Representatives Bearden, Lager, Stevenson, Riback Wilson (25) and Johnson (61).

SCS HS HCS HB 1011: Representatives Bearden, Lager, Icet, Campbell and Sanders Brooks.

SCS HS HCS HB 1012: Representatives Bearden, Lager, Stevenson, LeVota and Donnelly.

MOTION

Representative Crowell moved that House Rule 23 be suspended in order for members of the House Conference Committees to meet on **SCS HS HCS HB 1003, SCS HS HCS HB 1004, SCS HS HCS HB 1005, as amended, SCS HS HCS HB 1006, SCS HS HCS HB 1007, as amended,**

SCS HS HCS HB 1008, SCS HS HCS HB 1009, SCS HS HCS HB 1010, as amended, SCS HS HCS HB 1011, as amended, and SCS HS HCS HB 1012, as amended, on April 28, 2004 only.

Which motion was adopted by the following vote:

AYES: 120

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Bivins	Black
Bland	Bough	Boykins	Brooks	Brown
Bruns	Byrd	Campbell	Carnahan	Cooper 120
Cooper 155	Crawford	Crowell	Cunningham 145	Cunningham 86
Curls	Davis 19	Deeken	Dempsey	Dethrow
Dixon	Dougherty	Dusenberg	El-Amin	Emery
Engler	Ervin	Fares	Fraser	George
Goodman	Graham	Green	Guest	Hilgemann
Hobbs	Holand	Hoskins	Hunter	Ice
Jackson	Jetton	Johnson 47	Jolly	Kelly 144
Kelly 36	Kingery	Kratky	Lager	Lawson
Lembke	Lipke	Lowe	Luetkemeyer	Marsh
May	McKenna	Meiners	Miller	Moore
Morris	Munzlinger	Myers	Nieves	Page
Parker	Pearce	Phillips	Portwood	Pratt
Purgason	Quinn	Rector	Richard	Roark
Ruestman	Rupp	Sander	Schaaf	Schlottach
Schneider	Seigfreid	Self	Shoemaker	Shoemyer
Smith 14	St. Onge	Stefanick	Stevenson	Sutherland
Taylor	Thompson	Threlkeld	Townley	Viebrock
Villa	Wagner	Wallace	Ward	Wasson
Wilson 119	Wilson 130	Wilson 25	Wilson 42	Wood
Wright	Yaeger	Young	Zweifel	Madam Speaker

NOES: 028

Bringer	Burnett	Corcoran	Darrough	Daus
Davis 122	Donnelly	Harris 110	Harris 23	Henke
Johnson 61	Johnson 90	Jones	Kuessner	LeVota
Liese	Meadows	Muckler	Schoemehl	Selby
Skaggs	Spreng	Swinger	Walker	Walsh
Whorton	Wildberger	Witte		

PRESENT: 000

ABSENT WITH LEAVE: 015

Avery	Hampton	Haywood	Hubbard	King
Mayer	Ransdall	Reinhart	Sager	Salva
Smith 118	Vogt	Walton	Willoughby	Yates

On motion of Representative Crowell, the House recessed until 3:00 p.m.

AFTERNOON SESSION

The hour of recess having expired, the House was called to order by Representative Bruns.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

- House Resolution No. 2311 - Representative Goodman
House Resolution No. 2312 - Representative Selby
House Resolution No. 2313
through
House Resolution No. 2326 - Representative Hanaway
House Resolution No. 2327 - Representative Wright, et al
House Resolution No. 2328 - Representative Hubbard
House Resolution No. 2329 - Representatives Dougherty and Harris (110)
House Resolution No. 2330 - Representative Wilson (119)
House Resolution No. 2331 - Representative Lipke

INTRODUCTION OF HOUSE JOINT RESOLUTION

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

HJR 58, introduced by Representatives Zweifel, Page, Skaggs, Donnelly and Bishop, relating to the budget control fund.

INTRODUCTION OF HOUSE BILLS

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

HB 1756, introduced by Representative Sager, relating to unauthorized use of traffic signal preemption systems.

HB 1757, introduced by Representative Sager, relating to fraudulently stopping payment of an instrument.

HB 1758, introduced by Representative Sager, relating to civil liability for teachers.

HB 1759, introduced by Representative Sager, relating to teachers and administrative employees.

HB 1760, introduced by Representative Sager, relating to the Missouri abortion reduction program within the department of health and senior services.

Speaker Hanaway resumed the Chair.

There was a moment of silent prayer in observance of Workers' Memorial Day.

Representative Bruns resumed the Chair.

THIRD READING OF SENATE BILLS

HCS SCS SB 1160, with HS, pending, relating to the Prescription Drug Repository Program, was again taken up by Representative Johnson (47).

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

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 1160, Page 6, Section 196.981, Line 8, by inserting after all of said line the following:

“3. The state of Missouri shall only be liable for a cause of action in negligence brought under the prescription drug repository program for matters relating to the donating, accepting, or dispensing of prescription drugs. However, in no event shall such liability exceed the limits provided in section 537.610, RSMo.”.

Representative Willoughby moved that **House Amendment No. 1** be adopted.

Which motion was defeated.

On motion of Representative Johnson (47), **HS HCS SCS SB 1160** was adopted.

On motion of Representative Johnson (47), **HS HCS SCS SB 1160** was read the third time and passed by the following vote:

AYES: 158

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Bivins	Bland
Bough	Bringer	Brooks	Brown	Bruns
Burnett	Byrd	Campbell	Carnahan	Cooper 120
Cooper 155	Corcoran	Crawford	Crowell	Cunningham 145
Cunningham 86	Curls	Darrough	Daus	Davis 122
Davis 19	Deeken	Dempsey	Dethrow	Dixon
Donnelly	Dougherty	Dusenberg	El-Amin	Emery
Engler	Ervin	Fares	Fraser	George
Goodman	Graham	Green	Guest	Harris 110
Harris 23	Haywood	Henke	Hilgemann	Hobbs
Holand	Hoskins	Hubbard	Hunter	Ice
Jackson	Jetton	Johnson 47	Johnson 61	Johnson 90
Jolly	Jones	Kelly 144	Kelly 36	King
Kingery	Kratky	Kuessner	Lager	Lawson
Lembke	LeVota	Liese	Lipke	Lowe
Luetkemeyer	Marsh	May	Mayer	McKenna
Meadows	Meiners	Miller	Moore	Morris
Muckler	Munzlinger	Myers	Nieves	Page
Parker	Pearce	Phillips	Portwood	Pratt
Purgason	Quinn	Ransdall	Rector	Reinhart
Richard	Roark	Ruestman	Rupp	Sager
Sander	Schaaf	Schlottach	Schneider	Schoemehl
Seigfreid	Selby	Self	Shoemaker	Shoemyer

Skaggs	Smith 118	Smith 14	Spreng	St. Onge
Stefanick	Stevenson	Sutherland	Swinger	Taylor
Thompson	Threlkeld	Townley	Viebrock	Villa
Vogt	Wagner	Walker	Wallace	Walsh
Walton	Ward	Wasson	Whorton	Wildberger
Willoughby	Wilson 119	Wilson 130	Wilson 25	Wilson 42
Witte	Wood	Wright	Yaeger	Yates
Young	Zweifel	Madam Speaker		

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 005

Avery	Black	Boykins	Hampton	Salva
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Representative Bruns declared the bill passed.

HCS SS SCS SB 1081, relating to residential construction, was taken up by Representative Pratt.

Representative Pratt offered **HS HCS SS SCS SB 1081**.

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

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Page 11, Section 431.306, Line 3, by inserting after all of said line the following: “**or**”.

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

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

House Amendment No. 2

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Page 19, Section 431.315, Line 24, by inserting immediately after all of said line the following:

“**4. The provisions of sections 431.300 to 431.315 shall not apply to an action brought by an insurer, subrogated to the rights of a claimant, if payment was made by the insurer pursuant to a claim under an insurance policy.**”.

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

Speaker Pro Tem Jetton resumed the Chair.

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

Representative Yates raised a point of order that **House Amendment No. 3** goes beyond the scope of the underlying bill.

The Chair ruled the point of order well taken.

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

House Amendment No. 4

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1081, Page 14, Section 431.306, Line 15, by inserting after “**defects**” the following:

“**including defective garage doors**”; and

Further amend said section and page, Line 16, by inserting after “**defects**” the following:

“**including defective garage doors**”.

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

Representative Purgason assumed the Chair.

Representative Crowell moved the previous question.

Which motion was adopted by the following vote:

AYES: 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	Hobbs
Holand	Hunter	Icet	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
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: 068

Abel	Barnitz	Bishop	Bland	Boykins
Bringer	Brooks	Burnett	Campbell	Carnahan
Corcoran	Curls	Darrough	Daus	Davis 122

1264 *Journal of the House*

Donnelly	El-Amin	Fraser	George	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
Schoemehl	Seigfreid	Selby	Shoemyer	Skaggs
Spreng	Swinger	Thompson	Villa	Vogt
Wagner	Walker	Walsh	Walton	Ward
Wildberger	Willoughby	Wilson 25	Wilson 42	Witte
Yaeger	Young	Zweifel		

PRESENT: 002

Dougherty	Whorton
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ABSENT WITH LEAVE: 005

Avery	Graham	Hampton	Salva	Shoemaker
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On motion of Representative Pratt, **HS HCS SS SCS SB 1081, as amended**, was adopted.

On motion of Representative Pratt, **HS HCS SS SCS SB 1081, as amended**, was read the third time and passed by the following vote:

AYES: 138

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Bivins	Black
Bland	Bough	Boykins	Bringer	Brown
Bruns	Burnett	Byrd	Carnahan	Cooper 120
Cooper 155	Corcoran	Crawford	Crowell	Cunningham 145
Curls	Darrough	Daus	Davis 122	Davis 19
Deeken	Dempsey	Dethrow	Dixon	Donnelly
Dougherty	Dusenberg	Emery	Engler	Ervin
Fares	George	Goodman	Guest	Harris 23
Haywood	Henke	Hobbs	Holand	Hubbard
Hunter	Ice	Jackson	Jetton	Johnson 47
Jolly	Kelly 144	Kelly 36	King	Kingery
Kratky	Lager	Lawson	Lembke	LeVota
Liese	Lipke	Luetkemeyer	Marsh	May
Mayer	McKenna	Meadows	Meiners	Miller
Moore	Morris	Muckler	Munzlinger	Myers
Nieves	Page	Parker	Pearce	Phillips
Portwood	Pratt	Purgason	Quinn	Ransdall
Rector	Reinhart	Richard	Roark	Ruestman
Rupp	Sager	Sander	Schaaf	Schlottach
Schneider	Schoemehl	Seigfreid	Self	Shoemyer
Skaggs	Smith 118	Smith 14	Spreng	St. Onge
Stefanick	Stevenson	Sutherland	Swinger	Taylor
Thompson	Threlkeld	Townley	Viebrock	Vogt
Wagner	Wallace	Walsh	Walton	Ward
Wasson	Wildberger	Willoughby	Wilson 119	Wilson 130
Wilson 25	Wood	Wright	Yaeger	Yates
Young	Zweifel	Madam Speaker		

NOES: 018

Campbell	Cunningham 86	El-Amin	Fraser	Green
Harris 110	Hilgemann	Hoskins	Johnson 61	Johnson 90
Kuessner	Lowe	Selby	Villa	Walker
Whorton	Wilson 42	Witte		

PRESENT: 000

ABSENT WITH LEAVE: 007

Avery	Brooks	Graham	Hampton	Jones
Salva	Shoemaker			

Representative Purgason declared the bill passed.

HCS SS SCS SB 1099, relating to tax credits, was taken up by Representative Dempsey.

Representative Dempsey offered **HS HCS SS SCS SB 1099**.

Representative Smith (118) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 1099, Section 135.805, Page 20, Line 11, by inserting the following after all of said line:

“Any business existing in an enterprise zone under section 135.215 on the effective date of this section shall recertify for the abatement and exemption. Effective August 28, 2004, any abatement or exemption provided for in section 135.215 on an individual parcel of real property shall cease after a period of thirty days of business closure, work stoppage, major reduction in force, or a significant change in the type of business conducted at that location. For the purposes of this subsection, “work stoppage” shall not include strike or lockout or time necessary to retool a plan, and “major reduction in force” is defined as a seventy-five percent or greater reduction. Any owner or new owner may reapply, but cannot receive the abatement or exemption for any period of time beyond the original life of the enterprise zone.”.

On motion of Representative Smith (118), **House Amendment No. 1** was adopted.

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

Representative Yates raised a point of order that **House Amendment No. 2** goes beyond the scope of the underlying bill.

Representative Purgason requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

On motion of Representative Dempsey, **HS HCS SS SCS SB 1099, as amended**, was adopted.

On motion of Representative Dempsey, **HS HCS SS SCS SB 1099, as amended**, was read the third time and passed by the following vote:

AYES: 151

Angst	Baker	Barnitz	Bean	Bearden
Behnen	Bishop	Bivins	Black	Bland
Bough	Boykins	Bringer	Brooks	Brown
Bruns	Burnett	Byrd	Campbell	Carnahan
Cooper 120	Cooper 155	Corcoran	Crawford	Crowell
Cunningham 145	Cunningham 86	Curls	Darrough	Daus
Davis 122	Davis 19	Deeken	Dempsey	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	Emery
Engler	Ervin	Fares	Fraser	George
Goodman	Green	Guest	Harris 110	Harris 23
Haywood	Henke	Hilgemann	Hobbs	Holand
Hoskins	Hubbard	Hunter	Icet	Jackson
Jetton	Johnson 47	Johnson 61	Johnson 90	Jolly
Kelly 144	Kelly 36	King	Kingery	Kratky
Kuessner	Lager	Lawson	Lembke	LeVota
Liese	Lipke	Luetkemeyer	May	Mayer
McKenna	Meadows	Meiners	Miller	Moore
Morris	Muckler	Munzlinger	Myers	Nieves
Page	Parker	Pearce	Phillips	Portwood
Pratt	Purgason	Quinn	Ransdall	Rector
Reinhart	Richard	Roark	Ruestman	Rupp
Sager	Sander	Schaaf	Schlottach	Schneider
Schoemehl	Seigfreid	Selby	Self	Shoemyer
Skaggs	Smith 118	Smith 14	Spreng	St. Onge
Stefanick	Stevenson	Sutherland	Swinger	Taylor
Threlkeld	Townley	Viebrock	Villa	Vogt
Wagner	Walker	Wallace	Walsh	Walton
Ward	Wasson	Whorton	Wildberger	Willoughby
Wilson 119	Wilson 130	Wilson 25	Witte	Wood
Wright	Yaeger	Yates	Young	Zweifel
Madam Speaker				

NOES: 001

Jones

PRESENT: 000

ABSENT WITH LEAVE: 011

Abel	Avery	El-Amin	Graham	Hampton
Lowe	Marsh	Salva	Shoemaker	Thompson
Wilson 42				

Representative Purgason declared the bill passed.

Speaker Hanaway resumed the Chair.

COMMITTEE REPORTS

Committee on Budget, Chairman Bearden reporting:

Madam Speaker: Your Committee on Budget, to which was referred **HB 1021**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Committee on Financial Services, Chairman Luetkemeyer reporting:

Madam Speaker: Your Committee on Financial Services, to which was referred **SCS SB 974**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

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

Madam Speaker: Your Committee on Financial Services, to which was referred **SCS SB 1215**, 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 **SS SCS SB 1279**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

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

Madam Speaker: Your Committee on Job Creation and Economic Development, to which was referred **SCS SB 1155**, begs leave to report it has examined the same and recommends that it **Do Pass**.

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

Madam Speaker: Your Committee on Local Government, to which was referred **SCS SB 758**, 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 Local Government, to which was referred **SCS SB 1062**, begs leave to report it has examined the same and recommends that it **Do Pass**.

Madam Speaker: Your Committee on Local Government, to which was referred **SB 1114**, 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 Local Government, to which was referred **SCS SB 1212**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Madam Speaker: Your Committee on Local Government, to which was referred **SB 1329**, 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 Local Government, to which was referred **SB 1391**, 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 **SCS SB 962**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

Madam Speaker: Your Committee on Professional Registration and Licensing, to which was referred **SCS SB 1181**, 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 Professional Registration and Licensing, to which was referred **SB 1274**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass by Consent**.

Committee on Tax Policy, Chairman Cooper (120) reporting:

Madam Speaker: Your Committee on Tax Policy, to which was referred **SS SCS SB 960**, 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 **SB 772**, 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 **SB 894**, 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 **SB 920**, 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 810**, entitled:

An act to repeal section 258.100, RSMo, and to enact in lieu thereof one new section relating to immunity from civil liability for certain landowners.

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 **SS SB 1023**, entitled:

An act to repeal section 570.300, RSMo, and to enact in lieu thereof two new sections relating to the criminal use of audiovisual recording devices, with penalty 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 **SS SCS SB 1034**, entitled:

An act to amend chapter 407, RSMo, by adding thereto six new sections relating to vacation clubs, with penalty provisions.

In which the concurrence of the House is respectfully requested.

SUPPLEMENTAL CALENDAR (April 28, 2004)

HOUSE BILL FOR PERFECTION - APPROPRIATIONS

HB 1021 - Bearden

ADJOURNMENT

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Thursday, April 29, 2004.

CORRECTION TO THE HOUSE JOURNAL

AFFIDAVIT

I, State Representative John Quinn, District 7, hereby state and affirm that my vote as recorded on Page 1233 of the House Journal for Tuesday, April 27, 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 no. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 28th day of April 2004.

/s/ John Quinn
State Representative

State of Missouri)
) ss.
County of Cole)

Subscribed and sworn to before me this 28th day of April in the year 2004.

/s/ Stephen S. Davis
Chief Clerk

COMMITTEE MEETINGS

CONFERENCE COMMITTEE - APPROPRIATIONS

Thursday, April 29, 2004, 8:00 a.m. Senate Lounge.

CONFERENCE COMMITTEE - APPROPRIATIONS

Thursday, April 29, 2004, Senate Lounge upon afternoon adjournment.

ETHICS

Monday, May 3, 2004, House Chamber side gallery upon evening adjournment.
2004 Caucus. Executive session may follow.

JOINT COMMITTEE ON CORRECTIONS

Monday, May 3, 2004, 12:00 p.m. Hearing Room 7.
Status of Chillicothe Correctional Center; Report from the Department of Corrections;
Report from Design & Construction on JCCC, Randy Allen; Committee tour schedule.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, April 29, 2004, 8:00 a.m. Hearing Room 7.
2nd Quarter Meeting.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Thursday, May 6, 2004, 8:00 a.m. Hearing Room 7.
2nd Quarter Meeting.

LOCAL GOVERNMENT

Thursday, April 29, 2004, 8:30 a.m. Hearing Room 6.
Executive session may follow.
Public hearings to be held on: HB 1724, SS SCS SB 1183, SB 1166

TAX POLICY

Thursday, April 29, 2004, House Chamber side gallery upon morning adjournment.
Executive session will be held on: HB 1712, SCS SB 988

TRANSPORTATION AND MOTOR VEHICLES

Thursday, April 29, 2004, House Chamber side gallery upon morning adjournment.

CANCELLED

Executive session will be held on: SCS SBs 1233, 840 & 1043

HOUSE CALENDAR

SIXTIETH DAY, THURSDAY, APRIL 29, 2004

HOUSE JOINT RESOLUTION FOR SECOND READING

HJR 58

HOUSE BILLS FOR SECOND READING

HB 1755 through HB 1760

HOUSE JOINT RESOLUTION FOR PERFECTION

HCS HJR 28 - Roark (139)

HOUSE BILL FOR PERFECTION - APPROPRIATIONS

HB 1021 - Bearden (16)

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 1105, 1062, 1111, 1113 & 1119 - Crawford (117)
- 2 HCS HB 1380 - Lager (4)
- 3 HB 1092 - Deeken (114)
- 4 HCS HB 843, 880 & 1042 - Angst (146)
- 5 HB 1424 - Stefanick (93)
- 6 HB 1302 - Lager (4)
- 7 HCS HB 1085, HA 6 and HS, as amended, pending - Townley (112)
- 8 HB 1337 - Nieves (98)
- 9 HCS HB 1243, 1094 & 931 - Mayer (159)
- 10 HCS HB 1267 - Cooper (120)
- 11 HB 1408 - Mayer (159)
- 12 HCS HB 1671 - Hanaway (87)
- 13 HCS HB 1181 & 1719 - Selby (105)
- 14 HB 1548 - Crawford (117)
- 15 HB 881 - Bruns (113)
- 16 HCS HB 957 - Cunningham (145)
- 17 HCS HB 1702 - Thompson (72)

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 1099, (Budget 4-21-04) - Reinhart (34)
- 2 HB 1109 - Crawford (117)
- 3 HS HB 1339 - Cunningham (86)
- 4 HS HB 1599 - Ervin (35)
- 5 HS HCS HB 1150 - May (149)

HOUSE BILLS FOR THIRD READING - CONSENT

- 1 HCS HB 1524 - Ransdall (148)
- 2 HCS HB 1069 - Bivins (97)

SENATE BILLS FOR SECOND READING

- 1 SCS SB 810
- 2 SS SB 1023
- 3 SS SCS SB 1034

SENATE BILLS FOR THIRD READING - CONSENT

- 1 SCS SB 878 - Rector (124)
- 2 SCS SB 1331 - Bivins (97)

(4/26/04)

- 1 HCS SS SB 732 - Johnson (47)
- 2 HCS SB 884 - Lager (4)
- 3 SCS SB 921, E.C. - Byrd (94)
- 4 SCS SB 1006 - Page (82)
- 5 SB 1111 - Lager (4)
- 6 SB 1107 - Schaaf (28)
- 7 HCS SCS SB 1106, E.C. - Schaaf (28)
- 8 HCS SCS SB 1093 - Hanaway (87)
- 9 HCS SCS SB 1091 - Parker (12)
- 10 SB 1055 - Johnson (47)
- 11 HCS SB 1012, E.C. - Baker (123)
- 12 SCS SB 992 - Mayer (159)
- 13 SCS SB 956 - Wilson (119)
- 14 SB 951 - Threlkeld (109)
- 15 HCS SCS SBs 942, 850 & 841, E.C. - Goodman (132)
- 16 HCS SCS SB 945 and SB 803 and SB 1257, E.C. - Moore (20)
- 17 SCS SB 901, HCA 1 - Townley (112)
- 18 SB 899 - Dusenberg (54)
- 19 HCS SB 824 - Schlottach (111)

- 20 HCS SCS SB 782 - Johnson (47)
- 21 HCS SB 769, E.C. - Emery (126)
- 22 SCS SB 767 - Cunningham (145)
- 23 SCS SB 757, HCA 1 - Cooper (120)
- 24 SB 1130 - Deeken (114)
- 25 SCS SB 1172 - Fares (91)

(4/28/04)

- 1 SCS SB 788, E.C. - Goodman (132)
- 2 SB 842, E.C. - Wood (62)
- 3 SCS SB 859 - Stefanick (93)
- 4 SCS SB 952 - Johnson (47)
- 5 SCS SB 1078 - Richard (129)
- 6 SB 1083 - Schaaf (28)
- 7 SB 1086 - Pearce (121)
- 8 SCS SB 1195 - Lager (4)
- 9 SCS SB 1235 - Luetkemeyer (115)
- 10 HCS SB 1242 - Wilson (42)
- 11 SB 1243 - Byrd (94)
- 12 SB 1249 - Dempsey (18)
- 13 SCS SB 1250 - Rector (124)
- 14 SCS SB 1253 - Dempsey (18)
- 15 HCS SB 1259 - Taylor (68)
- 16 SB 1285 - Cooper (120)
- 17 HCS SB 1299 - Luetkemeyer (115)
- 18 SB 1302, E.C. - Morris (138)
- 19 SCS SB 1304 - Lembke (85)
- 20 SB 1320 - Luetkemeyer (115)

(4/29/04)

- 1 HCS SCS SB 758, E.C. - Nieves (98)
- 2 SB 772 - Daus (67)
- 3 SB 894 - Dusenberg (54)
- 4 SCS SB 962 - Lager (4)
- 5 SCS SB 974 - Rupp (13)
- 6 HCS SB 1114 - St. Onge (88)
- 7 HCS SCS SB 1181 - Ruestman (131)
- 8 SCS SB 1188, E.C. - Luetkemeyer (115)
- 9 SCS SB 1212 - Johnson (47)
- 10 SCS SB 1215 - Dixon (140)
- 11 HCS SB 1274 - Behnen (2)
- 12 HCS SB 1329 - Sutherland (99)
- 13 HCS SB 1391 - Black (161)

SENATE BILLS FOR THIRD READING

- 1 HCS SCS SB 754 - Luetkemeyer (115)
- 2 SB 932 - Wilson (130)
- 3 HCS SCS SBs 1020, 889 & 869, (Budget 4-19-04) - Goodman (132)
- 4 SCS SB 1040, HCA 1, E.C. - Townley (112)
- 5 HCS SCS SBs 1144, 919, & 874, E.C. - Schlottach (111)
- 6 SS SS SCS SB 715 - Johnson (47)
- 7 HCS SS SCS SB 968 and SCS SB 969, E.C. - Baker (123)
- 8 HCS SCS SB 1038, (Budget 4-26-04) - Luetkemeyer (115)
- 9 HCS SCS SB 1365 - Jackson (89)
- 10 HCS SB 870 - Pearce (121)
- 11 SB 966 - Mayer (159)
- 12 HCS SS SB 1000 - Mayer (159)
- 13 HCS SS SS SCS SB 1371 - Threlkeld (109)
- 14 SB 920 - Cooper (155)
- 15 HCS SS SCS SB 960 - Cooper (120)
- 16 SCS SB 1062 - Johnson (47)
- 17 SCS SB 1155 - Dempsey (18)
- 18 HCS SS SCS SB 1279 - Schaaf (28)

BILLS IN CONFERENCE

- 1 CCR#2 HCS SB 739, as amended - Myers (160)
- 2 SCS HS HCS HB 1002, as amended - Bearden (16)
- 3 SCS HS HCS HB 1003 - Bearden (16)
- 4 SCS HS HCS HB 1004 - Bearden (16)
- 5 SCS HS HCS HB 1005, as amended - Bearden (16)
- 6 SCS HS HCS HB 1006 - Bearden (16)
- 7 SCS HS HCS HB 1007, as amended - Bearden (16)
- 8 SCS HS HCS HB 1008 - Bearden (16)
- 9 SCS HS HCS HB 1009 - Bearden (16)
- 10 SCS HS HCS HB 1010, as amended - Bearden (16)
- 11 SCS HS HCS HB 1011, as amended - Bearden (16)
- 12 SCS HS HCS HB 1012, as amended - Bearden (16)

VETOED HOUSE BILLS

- 1 HCR 5 - Byrd (94)
- 2 CCS SS#2 SS SCS HS HCS HB 1304 - Byrd (94)

HOUSE RESOLUTIONS

- 1 HR 6, (4-22-04, Page 1197) - Schaaf (28)
- 2 HR 1402, (4-27-04, Page 1239) - Miller (133)