

# JOURNAL OF THE HOUSE

Second Regular Session, 91st GENERAL ASSEMBLY

---

FIFTY-FIFTH DAY, THURSDAY, APRIL 18, 2002

Speaker Pro Tem Abel in the Chair.

Prayer by Reverend Rudy Beard.

Almighty God, we seek Your guidance at the beginning of this day. Make plan, we pray, the first steps of the day. Each man and woman of this House has enough:

Enough to do, enough meetings to attend,  
enough on the calendar, enough promises to keep,  
enough to worry about...

Bless them this day with enough patience, enough wisdom, enough confidence in their best ideas, enough compassion and enough faith in You their God to guide and sustain them. To You be glory and honor. 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: Allison Wolz, Josh Meyer, Farrah Malik, Nathan Berry, T.J. Gardner, Gabe Gardner, Stefannie Cundiff, Aaron Porter, Jon Hall, Brandy Hurt, Aaron Coy, Morgan Wall, Adam Jackson, Savannah Jackson and Gage Jarrett.

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

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 1400	-	Representative Franklin
House Resolution No. 1401	-	Representative Selby
House Resolution No. 1402	-	Representative Gratz
House Resolution No. 1403	-	Representative Hohulin
House Resolution No. 1404	-	Representative Kelly (27)
House Resolution No. 1405	-	Representative Kreider
House Resolution No. 1406	-	Representative Boatright
House Resolution No. 1407	-	Representative Naeger
House Resolution No. 1408	-	Representative Walton
House Resolution No. 1409	-	Representative Berkstresser
House Resolution No. 1410	-	Representative Jolly
House Resolution No. 1411	-	Representative Kreider
House Resolution No. 1412	-	Representatives Bearden and Holt
House Resolution No. 1413	-	Representative Williams

House Resolution No. 1414 - Representative Crowell  
House Resolution No. 1415 - Representative Kelly (144)  
House Resolution No. 1416 - Representative Monaco  
House Resolution No. 1417 - Representative Bowman  
House Resolution No. 1418 - Representative Troupe

## **SECOND READING OF HOUSE BILL - APPROPRIATIONS**

**HB 1121** was read the second time.

## **SECOND READING OF SENATE BILLS**

**SCS SBs 958 & 657** and **SB 1005** were read the second time.

## **COMMITTEE REPORT**

**Committee on Fiscal Review and Government Reform**, Chairman Hollingsworth reporting:

Mr. Speaker: Your Committee on Fiscal Review and Government Reform, to which was referred **HS HCS HBs 1654 & 1156 (Fiscal Note)**, begs leave to report it has examined the same and recommends that it **Do Pass**.

**Committee on Rules, Joint Rules and Bills Perfected and Printed**, Chairman Crump reporting:

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HB 2078, HCS HJR 51, HB 1726, HCS HB 1717** and **HJR 28**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

## **THIRD READING OF HOUSE BILLS**

**HB 1306**, relating to multicultural program and committee, was taken up by Representative Williams.

On motion of Representative Williams, **HB 1306** was read the third time and passed by the following vote:

AYES: 123

Abel	Baker	Barnett	Barnitz	Barry 100
Bartelsmeyer	Behnen	Berkowitz	Berkstresser	Bland
Boatright	Bonner	Bowman	Boykins	Britt
Brooks	Burton	Campbell	Carnahan	Champion
Cierpiot	Clayton	Copenhaver	Crawford	Crowell
Crump	Cunningham	Curls	Daus	Davis
Dempsey	Dolan	Enz	Fares	Farnen

Foley	Franklin	Fraser	Gambaro	George
Graham	Gratz	Green 15	Green 73	Hagan-Harrell
Hampton	Hanaway	Harding	Harlan	Hartzler
Haywood	Hegeman	Henderson	Hendrickson	Hilgemann
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Jetton	Johnson 61	Johnson 90	Jolly	Jones
Kelley 47	Kelly 27	Kelly 36	Koller	Legan
Liese	Long	Lowe	Luetkenhaus	Marble
Marsh	Mays 50	McKenna	Merideth	Moore
Murphy	O'Connor	O'Toole	Ostmann	Overschmidt
Paone	Phillips	Portwood	Quinn	Ransdall
Reid	Relford	Reynolds	Richardson	Rizzo
Ross	Scheve	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemyer	Skaggs
Smith	Surface	Thompson	Treadway	Troupe
Van Zandt	Villa	Vogel	Wagner	Walker
Walton	Ward	Whorton	Williams	Willoughby
Wilson 25	Wilson 42	Mr. Speaker		

NOES: 028

Ballard	Bartle	Bearden	Byrd	Cooper
Froelker	Griesheimer	Hohulin	Hunter	Kelly 144
King	Linton	Luetkemeyer	May 149	Mayer
Miller	Myers	Nordwald	Purgason	Rector
Ridgeway	Roark	Robirds	Schwab	Shoemaker
St. Onge	Townley	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 011

Black	Boucher	Bray 84	Burcham	Gaskill
Hickey	Lawson	Lograsso	Monaco	Naege
Reinhart				

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 127

Abel	Baker	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bearden	Behnen	Berkowitz	Bland
Boatright	Bonner	Boucher	Bowman	Boykins
Bray 84	Britt	Brooks	Burton	Campbell
Carnahan	Champion	Cierpiot	Clayton	Copenhaver
Crawford	Crowell	Crump	Cunningham	Curls
Daus	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Franklin	Fraser
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Green 73	Hagan-Harrell	Hampton	Hanaway
Harding	Harlan	Hartzler	Haywood	Henderson
Hendrickson	Hickey	Hilgemann	Hollingsworth	Holt
Hoppe	Hosmer	Johnson 61	Johnson 90	Jolly

# 1174 *Journal of the House*

Jones	Kelley 47	Kelly 144	Kelly 27	Kelly 36
Koller	Legan	Liese	Long	Lowe
Luetkenhaus	Marble	Marsh	Mays 50	McKenna
Merideth	Miller	Monaco	Moore	Murphy
O'Connor	O'Toole	Ostmann	Overschmidt	Paone
Quinn	Ransdall	Rector	Reid	Relford
Reynolds	Richardson	Rizzo	Ross	Scheve
Schwab	Scott	Secrest	Seigfreid	Selby
Shelton	Shields	Shoemyer	Skaggs	Smith
Surface	Thompson	Treadway	Troupe	Van Zandt
Villa	Vogel	Wagner	Walker	Walton
Ward	Whorton	Williams	Willoughby	Wilson 25
Wilson 42	Mr. Speaker			

NOES: 028

Ballard	Bartle	Berkstresser	Byrd	Cooper
Froelker	Griesheimer	Hegeman	Hohulin	Holand
Hunter	Jetton	King	Linton	Luetkemeyer
May 149	Mayer	Myers	Nordwald	Phillips
Portwood	Purgason	Roark	Robirds	Shoemaker
St. Onge	Townley	Wright		

PRESENT: 000

ABSENT WITH LEAVE: 007

Black	Burcham	Lawson	Lograsso	Naeger
Reinhart	Ridgeway			

VACANCIES: 001

**HS HCS HBs 1654 & 1156**, relating to protection of the elderly, was taken up by Representative Hosmer.

On motion of Representative Hosmer, **HS HCS HBs 1654 & 1156** was read the third time and passed by the following vote:

AYES: 150

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland	Boatright
Bonner	Boucher	Bowman	Boykins	Bray 84
Britt	Brooks	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Curls
Daus	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Franklin	Fraser
Froelker	Gambara	Gaskill	George	Graham
Gratz	Green 15	Green 73	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Harding	Harlan	Haywood
Hegeman	Henderson	Hendrickson	Hilgemann	Hollingsworth
Holt	Hoppe	Hosmer	Hunter	Jetton
Johnson 61	Johnson 90	Jolly	Jones	Kelley 47
Kelly 144	Kelly 27	Kelly 36	King	Koller
Legan	Liese	Linton	Long	Lowe

Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	Mays 50	McKenna	Merideth	Miller
Monaco	Moore	Murphy	Myers	Nordwald
O'Toole	Ostmann	Overschmidt	Paone	Phillips
Portwood	Purgason	Quinn	Ransdall	Rector
Reid	Relford	Reynolds	Richardson	Ridgeway
Rizzo	Robirds	Ross	Scheve	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Shoemaker	Shoemyer	Skaggs	Smith
St. Onge	Surface	Thompson	Townley	Treadway
Troupe	Van Zandt	Villa	Vogel	Wagner
Walker	Walton	Ward	Whorton	Williams
Willoughby	Wilson 25	Wilson 42	Wright	Mr. Speaker

NOES: 003

Hartzler	Hohulin	Roark
----------	---------	-------

PRESENT: 000

ABSENT WITH LEAVE: 009

Burcham	Clayton	Hickey	Holand	Lawson
Lograsso	Naeger	O'Connor	Reinhart	

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

**HS HCS HB 1756**, relating to sexually transmitted diseases, was taken up by Representative Reid.

Representative Reid offered **House Perfecting Amendment No. 1**.

*House Perfecting Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 1756, Page 5, Section 191.677, Lines 27 and 28, by deleting the following:

**"Violation of the provisions of subdivision (2) and (3) of subsection 1 of this section is a class D felony.";** and

Further amend said bill, Section 191.677, Lines 41 and 42, by deleting all of said lines and inserting in lieu thereof the following:

**"4. The use of condoms is not a defense to a violation of paragraph (a) of subdivision (2) of subsection 1 of this section."**

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

On motion of Representative Reid, **HS HCS HB 1756, as amended**, was read the third time and passed by the following vote:

# 1176 *Journal of the House*

AYES: 133

Abel	Baker	Ballard	Barnett	Barnitz
Barry 100	Bartelsmeyer	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Boatright	Bonner
Boucher	Burton	Champion	Cierpiot	Clayton
Cooper	Copenhaver	Crawford	Crowell	Crump
Cunningham	Curls	Daus	Davis	Dempsey
Dolan	Enz	Farnen	Foley	Franklin
Froelker	Gambara	Gaskill	George	Graham
Gratz	Green 15	Green 73	Griesheimer	Hagan-Harrell
Hampton	Hanaway	Hartzler	Haywood	Hegeman
Henderson	Hendrickson	Hickey	Hilgemann	Hohulin
Holand	Holt	Hoppe	Hosmer	Hunter
Jetton	Johnson 61	Jolly	Jones	Kelley 47
Kelly 144	Kelly 36	King	Koller	Legan
Liese	Linton	Lograsso	Long	Luetkemeyer
Luetkenhaus	Marble	Marsh	May 149	Mayer
Mays 50	McKenna	Merideth	Miller	Monaco
Moore	Myers	Nordwald	O'Toole	Overschmidt
Paone	Phillips	Portwood	Purgason	Quinn
Ransdall	Rector	Reid	Relford	Reynolds
Richardson	Ridgeway	Rizzo	Roark	Robirds
Ross	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemaker	Shoemyer
Skaggs	Smith	St. Onge	Surface	Thompson
Townley	Treadway	Troupe	Villa	Vogel
Wagner	Walker	Walton	Ward	Willoughby
Wilson 42	Wright	Mr. Speaker		

NOES: 014

Bland	Bowman	Bray 84	Campbell	Fares
Fraser	Harding	Harlan	Kelly 27	Scheve
Van Zandt	Whorton	Williams	Wilson 25	

PRESENT: 002

Brooks	Murphy
--------	--------

ABSENT WITH LEAVE: 013

Boykins	Britt	Burcham	Byrd	Carnahan
Hollingsworth	Johnson 90	Lawson	Lowe	Naeger
O'Connor	Ostmann	Reinhart		

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

**HB 1058**, relating to hate crimes, was taken up by Representative Haywood.

On motion of Representative Haywood, **HB 1058** was read the third time and passed by the following vote:

AYES: 131

Abel	Baker	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Berkowitz	Berkstresser	Black
Bland	Bonner	Boucher	Bowman	Boykins
Bray 84	Britt	Brooks	Burton	Byrd
Campbell	Carnahan	Champion	Clayton	Copenhaver
Crawford	Crowell	Crump	Curls	Daus
Davis	Dempsey	Dolan	Enz	Fares
Farnen	Foley	Franklin	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Hartzler	Haywood	Hegeman
Henderson	Hickey	Hilgemann	Holand	Hollingsworth
Holt	Hoppe	Hosmer	Jetton	Johnson 61
Johnson 90	Jolly	Jones	Kelley 47	Kelly 27
Kelly 36	King	Koller	Liese	Long
Lowe	Luetkemeyer	Luetkenhaus	May 149	Mayer
Mays 50	McKenna	Merideth	Miller	Monaco
Moore	Murphy	Myers	Nordwald	O'Toole
Overschmidt	Paone	Phillips	Portwood	Ransdall
Reid	Relford	Reynolds	Richardson	Ridgeway
Rizzo	Ross	Scheve	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemaker	Shoemyer
Skaggs	Smith	St. Onge	Surface	Thompson
Treadway	Troupe	Van Zandt	Villa	Vogel
Wagner	Walker	Walton	Ward	Whorton
Williams	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 023

Ballard	Bearden	Behnen	Boatright	Cooper
Cunningham	Hendrickson	Hohulin	Hunter	Kelly 144
Legan	Linton	Lograsso	Marble	Marsh
Purgason	Quinn	Rector	Roark	Robirds
Schwab	Scott	Townley		

PRESENT: 000

ABSENT WITH LEAVE: 008

Burcham	Cierpiot	Harlan	Lawson	Naeger
O'Connor	Ostmann	Reinhart		

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

**HS HCS HBs 1502 & 1821**, relating to insurance, was taken up by Representative Luetkenhaus.

On motion of Representative Luetkenhaus, **HS HCS HBs 1502 & 1821** was read the third time and passed by the following vote:

AYES: 133

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Boatright	Bonner	Boucher
Bowman	Britt	Burton	Byrd	Campbell
Carnahan	Champion	Cierpiot	Clayton	Cooper
Copenhaver	Crawford	Crowell	Cunningham	Curls
Daus	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Froelker	Gaskill
George	Graham	Gratz	Green 15	Griesheimer
Hagan-Harrell	Hampton	Hanaway	Harding	Hartzler
Hegeman	Henderson	Hendrickson	Hilgemann	Hohulin
Holand	Hollingsworth	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson 90	Jolly	Jones
Kelley 47	Kelly 144	Kelly 27	King	Koller
Legan	Liese	Linton	Lograsso	Long
Lowe	Luetkemeyer	Luetkenhaus	Marble	Marsh
May 149	Mayer	Mays 50	McKenna	Miller
Moore	Myers	Nordwald	O'Toole	Ostmann
Overschmidt	Paone	Phillips	Portwood	Purgason
Quinn	Ransdall	Rector	Reid	Relford
Reynolds	Richardson	Ridgeway	Rizzo	Roark
Robirds	Ross	Schwab	Scott	Secrest
Selby	Shelton	Shields	Shoemaker	Shoemyer
Skaggs	Smith	St. Onge	Surface	Townley
Treadway	Van Zandt	Villa	Vogel	Wagner
Walker	Ward	Whorton	Willoughby	Wilson 25
Wilson 42	Wright	Mr. Speaker		

NOES: 012

Bray 84	Franklin	Fraser	Gambara	Haywood
Johnson 61	Kelly 36	Merideth	Murphy	Scheve
Walton	Williams			

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 016

Baker	Bland	Boykins	Burcham	Crump
Green 73	Harlan	Hickey	Lawson	Monaco
Naeger	O'Connor	Reinhart	Seigfreid	Thompson
Troupe				

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

**HCS HBs 1509 & 1510**, relating to police retirement systems, was taken up by Representative Curls.

Representative Marble made a substitute motion that **HCS HBs 1509 & 1510** be referred to the Committee on Fiscal Review and Government Reform pursuant to Rule 28.



Which motion was denied.

On motion of Representative Curls, **HCS HBs 1509 & 1510** was read the third time and passed by the following vote:

AYES: 112

Abel	Baker	Barnett	Barnitz	Barry 100
Bartle	Berkowitz	Berkstresser	Bland	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burton	Byrd	Campbell	Carnahan
Cierpiot	Clayton	Copenhaver	Crawford	Crump
Curls	Daus	Davis	Dempsey	Dolan
Enz	Fares	Farnen	Foley	Franklin
Fraser	Gambara	George	Graham	Gratz
Green 15	Green 73	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Hartzler	Haywood	Hickey
Hilgemann	Holand	Hollingsworth	Holt	Hoppe
Hosmer	Johnson 61	Johnson 90	Jolly	Jones
Kelley 47	Kelly 27	Kelly 36	King	Koller
Liese	Lograsso	Lowe	Luetkenhaus	Marsh
May 149	Mays 50	McKenna	Merideth	Monaco
Myers	Nordwald	Ostmann	Overschmidt	Paone
Portwood	Ransdall	Reid	Relford	Reynolds
Richardson	Ridgeway	Rizzo	Ross	Scheve
Seigfreid	Selby	Shelton	Shields	Shoemyer
Skaggs	Smith	Treadway	Troupe	Van Zandt
Villa	Vogel	Wagner	Walker	Walton
Ward	Whorton	Williams	Willoughby	Wilson 25
Wilson 42	Mr. Speaker			

NOES: 042

Ballard	Bartelsmeyer	Bearden	Behnen	Black
Boatright	Cooper	Crowell	Cunningham	Froelker
Gaskill	Hegeman	Henderson	Hendrickson	Hohulin
Hunter	Jetton	Kelly 144	Legan	Linton
Long	Luetkemeyer	Marble	Mayer	Miller
Moore	Murphy	O'Toole	Phillips	Purgason
Quinn	Rector	Roark	Robirds	Schwab
Scott	Secrest	Shoemaker	St. Onge	Surface
Townley	Wright			

PRESENT: 001

Champion

ABSENT WITH LEAVE: 007

Burcham	Harlan	Lawson	Naeger	O'Connor
Reinhart	Thompson			

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

Representative Britt assumed the Chair.

**HCS HB 1888**, relating to pawnshops, was taken up by Representative Barnitz.

On motion of Representative Barnitz, **HCS HB 1888** was read the third time and passed by the following vote:

AYES: 151

Abel	Ballard	Barnett	Barnitz	Barry 100
Bartelsmeyer	Bartle	Bearden	Behnen	Berkowitz
Berkstresser	Black	Bland	Boatright	Bonner
Boucher	Bowman	Boykins	Bray 84	Britt
Brooks	Burton	Byrd	Campbell	Carnahan
Champion	Cierpiot	Clayton	Cooper	Copenhaver
Crawford	Crowell	Crump	Cunningham	Curls
Daus	Davis	Dempsey	Dolan	Enz
Fares	Farnen	Foley	Fraser	Froelker
Gambaro	Gaskill	George	Graham	Gratz
Green 15	Griesheimer	Hagan-Harrell	Hanaway	Harding
Hartzler	Haywood	Hegeman	Henderson	Hendrickson
Hilgemann	Hohulin	Holand	Hollingsworth	Holt
Hoppe	Hosmer	Hunter	Jetton	Johnson 61
Johnson 90	Jolly	Jones	Kelley 47	Kelly 144
Kelly 27	Kelly 36	King	Koller	Legan
Liese	Linton	Lograsso	Long	Lowe
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	Mays 50	McKenna	Merideth	Miller
Monaco	Moore	Murphy	Myers	Nordwald
O'Connor	O'Toole	Ostmann	Overschmidt	Paone
Phillips	Portwood	Purgason	Quinn	Ransdall
Rector	Reid	Relford	Reynolds	Richardson
Ridgeway	Rizzo	Roark	Robirds	Ross
Scheve	Schwab	Scott	Secrest	Seigfreid
Selby	Shelton	Shields	Shoemaker	Shoemyer
Skaggs	Smith	St. Onge	Surface	Townley
Treadway	Troupe	Van Zandt	Villa	Vogel
Wagner	Walker	Walton	Ward	Whorton
Williams	Willoughby	Wilson 25	Wilson 42	Wright
Mr. Speaker				

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 011

Baker	Burcham	Franklin	Green 73	Hampton
Harlan	Hickey	Lawson	Naeger	Reinhart
Thompson				

VACANCIES: 001

Representative Britt declared the bill passed.

Speaker Pro Tem Abel resumed the Chair.

**HS HCS HB 1527**, relating to university governing boards, was taken up by Representative Graham.

On motion of Representative Graham, **HS HCS HB 1527** was read the third time and passed by the following vote:

AYES: 089

Abel	Baker	Barnitz	Barry 100	Bartle
Behnen	Berkowitz	Black	Bland	Bonner
Boucher	Bowman	Bray 84	Britt	Campbell
Carnahan	Champion	Clayton	Cooper	Crowell
Crump	Curls	Daus	Davis	Dempsey
Dolan	Farnen	Foley	Fraser	Gambaro
George	Graham	Gratz	Green 15	Hagan-Harrell
Hampton	Hanaway	Harding	Harlan	Hickey
Hilgemann	Holt	Hoppe	Hosmer	Jetton
Johnson 90	Jolly	Jones	Kelly 27	Kelly 36
King	Koller	Liese	Lowe	Luetkenhaus
McKenna	Merideth	Monaco	Myers	O'Connor
O'Toole	Overschmidt	Paone	Portwood	Ransdall
Reid	Relford	Reynolds	Rizzo	Scheve
Secrest	Selby	Shelton	Shields	Shoemaker
Shoemyer	Treadway	Troupe	Van Zandt	Villa
Vogel	Wagner	Walker	Ward	Whorton
Williams	Willoughby	Wilson 25	Mr. Speaker	

NOES: 068

Ballard	Barnett	Bartelsmeyer	Bearden	Berkstresser
Boatright	Boykins	Burton	Byrd	Cierpiot
Copenhaver	Crawford	Cunningham	Enz	Fares
Franklin	Froelker	Gaskill	Griesheimer	Hartzler
Haywood	Hegeman	Henderson	Hendrickson	Hohulin
Holand	Hollingsworth	Hunter	Johnson 61	Kelley 47
Kelly 144	Legan	Linton	Lograsso	Long
Luetkemeyer	Marble	Marsh	May 149	Mayer
Mays 50	Miller	Moore	Murphy	Naeger
Nordwald	Ostmann	Phillips	Purgason	Quinn
Rector	Richardson	Ridgeway	Roark	Robirds
Ross	Schwab	Scott	Seigfreid	Skaggs
Smith	St. Onge	Surface	Thompson	Townley
Walton	Wilson 42	Wright		

PRESENT: 001

Brooks

ABSENT WITH LEAVE: 004

Burcham	Green 73	Lawson	Reinhart
---------	----------	--------	----------

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

**HCS HB 1809**, relating to school board elections, was taken up by Representative Sanders Brooks.

On motion of Representative Sanders Brooks, **HCS HB 1809** was read the third time and passed by the following vote:

AYES: 094

Abel	Baker	Barry 100	Berkowitz	Berkstresser
Bland	Bonner	Boucher	Bowman	Boykins
Bray 84	Britt	Brooks	Byrd	Campbell
Carnahan	Champion	Clayton	Copenhaver	Crawford
Crump	Curls	Daus	Davis	Fares
Farnen	Foley	Fraser	Gambaro	George
Gratz	Green 15	Green 73	Hagan-Harrell	Hampton
Hanaway	Harding	Hartzler	Haywood	Hickey
Hilgemann	Hollingsworth	Holt	Hoppe	Hosmer
Johnson 61	Johnson 90	Jolly	Jones	Kelley 47
Kelly 27	Kelly 36	Koller	Lawson	Liese
Luetkenhaus	Marsh	McKenna	Merideth	Monaco
O'Connor	O'Toole	Overschmidt	Paone	Ransdall
Reid	Relford	Reynolds	Rizzo	Robirds
Ross	Scheve	Seigfreid	Selby	Shelton
Shields	Shoemyer	Skaggs	Smith	Thompson
Treadway	Troupe	Van Zandt	Villa	Vogel
Wagner	Walker	Walton	Ward	Williams
Willoughby	Wilson 25	Wilson 42	Mr. Speaker	

NOES: 059

Ballard	Barnett	Barnitz	Bartelsmeyer	Bartle
Bearden	Behnen	Black	Boatright	Burton
Cierpiot	Cooper	Crowell	Cunningham	Dempsey
Dolan	Enz	Franklin	Froelker	Gaskill
Griesheimer	Hegeman	Henderson	Hendrickson	Hohulin
Holand	Hunter	Jetton	Kelly 144	King
Legan	Lograsso	Luetkemeyer	Marble	May 149
Mayer	Miller	Moore	Murphy	Myers
Nordwald	Ostmann	Phillips	Portwood	Purgason
Quinn	Rector	Richardson	Ridgeway	Roark
Schwab	Scott	Secrest	Shoemaker	St. Onge
Surface	Townley	Whorton	Wright	

PRESENT: 001

Graham

ABSENT WITH LEAVE: 008

Burcham	Harlan	Linton	Long	Lowe
Mays 50	Naeger	Reinhart		

VACANCIES: 001

Speaker Pro Tem Abel declared the bill passed.

## PERFECTION OF HOUSE BILLS

**HCS HB 1695**, relating to health insurance, was taken up by Representative Selby.

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

### *House Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 1695 by inserting at the appropriate location the following section:

**"376.1253. 1. Each physician attending any patient with a newly diagnosed cancer shall provide the patient with a timely referral to an appropriate specialist within the provider network for a second opinion regarding the treatment of the patient's type of cancer. If no appropriate specialist is in the provider network, a referral shall be made to a nonnetwork specialist in accordance with this section.**

**2. Each health carrier or health benefit plan, as defined in section 376.1350, that offers or issues health benefit plans which are delivered, issued for delivery, continued or renewed in this state on or after January 1, 2003, shall provide coverage for a second opinion rendered by an appropriate medical specialist when a patient with a newly diagnosed cancer is referred to such specialist by his or her attending physician. Such coverage shall be subject to the same deductible and coinsurance conditions applied to other specialist referrals and all other terms and conditions applicable to other benefits.**

**3. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance."; and**

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

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

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

### *House Amendment No. 2*

AMEND House Committee Substitute for House Bill No. 1695 by inserting at the appropriate location the following section:

**"376.429. 1. All health benefit plans, as defined in section 376.1350, that are delivered, issued for delivery, continued or renewed on or after August 28, 2002, and providing coverage to any resident of this state shall provide coverage for routine patient care costs as defined in subsection 7 of this section incurred as the result of phase II, III, or IV of a clinical trial that is approved by an entity listed in subsection 4 of this section and is undertaken for the purposes of the prevention, early detection, or treatment of cancer.**

**2. In the case of treatment under a clinical trial, the treating facility and personnel must have the expertise and training to provide the treatment and treat a sufficient volume of patients. There must be equal to or superior, noninvestigational treatment alternatives and the available clinical or preclinical data must provide a reasonable expectation that the treatment will be superior to the noninvestigational alternatives.**

**3. Coverage required by this section shall include coverage for routine patient care costs incurred for drugs and devices that have been approved for sale by the Food and Drug Administration (FDA), regardless of whether approved by the FDA for use in treating the patient's particular condition, including coverage for reasonable and medically necessary services needed to administer the drug or use the device under evaluation in the clinical trial.**

**4. Subsections 1 and 2 of this section requiring coverage for routine patient care costs shall apply to**

clinical trials that are approved or funded by one of the following entities:

- (1) One of the National Institutes of Health (NIH);
- (2) An NIH Cooperative Group or Center as defined in subsection 7 of this section;
- (3) The FDA in the form of an investigational new drug application;
- (4) The federal Departments of Veterans' Affairs or Defense;
- (5) An institutional review board in this state that has an appropriate assurance approved by the Department of Health and Human Services assuring compliance with and implementation of regulations for the protection of human subjects (45 CFR 46); or
- (6) A qualified research entity that meets the criteria for NIH Center support grant eligibility.

5. An entity seeking coverage for treatment, prevention, or early detection in a clinical trial approved by an institutional review board under subdivision (5) of subsection 4 of this section shall maintain and post electronically a list of the clinical trials meeting the requirements of subsections 2 and 3 of this section. This list shall include: the phase for which the clinical trial is approved; the entity approving the trial; whether the trial is for the treatment of cancer or other serious or life threatening disease, and if not cancer, the particular disease; and the number of participants in the trial. If the electronic posting is not practical, the entity seeking coverage shall periodically provide payers and providers in the state with a written list of trials providing the information required in this section.

6. As used in this section, the following terms shall mean:

(1) "Cooperative group", a formal network of facilities that collaborate on research projects and have an established NIH-approved Peer Review Program operating within the group, including the NCI Clinical Cooperative Group and the NCI Community Clinical Oncology Program;

(2) "Multiple project assurance contract", a contract between an institution and the federal Department of Health and Human Services (DHHS) that defines the relationship of the institution to the DHHS and sets out the responsibilities of the institution and the procedures that will be used by the institution to protect human subjects;

(3) "Routine patient care costs", shall include coverage for reasonable and medically necessary services needed to administer the drug or device under evaluation in the clinical trial. Routine patient care costs include all items and services that are otherwise generally available to a qualified individual that are provided in the clinical trial except:

- (a) The investigational item or service itself;
- (b) Items and services provided solely to satisfy data collection and analysis needs and that are not used in the direct clinical management of the patient; and
- (c) Items and services customarily provided by the research sponsors free of charge for any enrollee in the trial.

7. For the purpose of this section, providers participating in clinical trials shall obtain a patient's informed consent for participation on the clinical trial in a manner that is consistent with current legal and ethical standards. Such documents shall be made available to the health insurer upon request.

8. The provisions of this section shall not apply to a policy, plan or contract paid under Title XVIII or Title XIX of the Social Security Act."; and

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

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

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

#### *House Amendment No. 3*

AMEND House Committee Substitute for House Bill No. 1695 by inserting at the appropriate location the following section:

"376.1221. 1. Every health insurer and health benefit plan, as defined in section 376.1350, offering health benefit plans that are delivered, issued for delivery, continued or renewed after January 1, 2003, shall provide

coverage for hearing aids that are prescribed, fitted, and dispensed by appropriately licensed professionals to dependent children through age nineteen covered under a policy, contract, or plan.

2. The hearing aids covered under this section shall:

(1) Be an electronic wearable device designed to aid or compensate for human hearing loss and any parts, attachments, or accessories, including earmolds;

(2) Be of a design and circuitry to optimize audibility and listening skills in the environment commonly experienced by children; and

(3) Have multiple-band wide dynamic range compression and direct audio input compatibility.

3. The coverage provided by this section shall include coverage for replacement hearing aids for the child at least once every three years.

4. Hearing evaluations, hearing aids, prescriptions, fittings, and consumable supplies shall be reimbursed according to the contracted fee schedule. In the absence of a contracted fee schedule, reimbursement shall be at the usual and customary charges of the licensed professional. A health insurer or health benefit plan subject to this section may limit the benefit payable for hearing aids to one thousand two hundred fifty dollars for each ear with a hearing loss. An insured or enrollee who selects a hearing aid that costs more than the benefit payable pursuant to this section may pay the difference between the price of the hearing aid and the benefit payable without financial or contractual penalty to the provider of the hearing aid.

5. Nothing in this section shall prohibit a health insurer or health benefit plan from providing coverage that is greater than or more favorable to enrollees than the coverage provided by this section.

6. The health care service required by this section shall not be subject to a deductible or co-payment that exceeds twenty percent of the actual covered service costs. No health insurer or health benefit plan subject to this section shall request or require hearing acuity information from or about persons applying for coverage.

7. This section shall not apply to a supplemental insurance policy, including a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical policies of six months or less duration, or any other supplemental policy as determined by the director of the department of insurance.

8. The director of the department of insurance may promulgate rules to implement the provisions of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo."; and

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

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

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

*House Amendment No. 4*

AMEND House Committee Substitute for House Bill No. 1695 by inserting at the appropriate location the following section:

"34.375. 1. This section shall be known and may be cited as the "Missouri Calcium Initiative".

2. The purchasing agent for any governmental entity that purchases food or beverages to be processed or served in a building or room owned or operated by such governmental entity shall give preference to foods and beverages that:

(1) Contain a higher level of calcium than products of the same type and quality; and

(2) Are equal to or lower in price than products of the same type and quality.

3. Notwithstanding the provisions of subsection 2 of this section to the contrary, if a state institution determines that a high calcium food or beverage that is preferred pursuant to subsection 2 of this section will interfere with the proper treatment and care of a patient of such institution, the purchasing agent shall not be required to purchase the high calcium food or beverage for such patient.

4. The requirements of this section shall be in addition to any requirements placed upon a governmental entity by the United States Department of Agriculture under the National School Lunch Program or the School

**Breakfast Program.**

**5. For purposes of this section, "governmental entity" means the state of Missouri, its departments, agencies, boards, commissions and institutions, and all school districts of the state. Governmental entity does not include political subdivisions of the state.**

**6. Notwithstanding the provisions of this section to the contrary, a purchasing agent who has entered into a contract with a supplier before July 1, 2002, to purchase food and beverages shall not be required to purchase high calcium foods and beverages if purchasing such products would change the terms of the contract.";** and

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

Representative Britt resumed the Chair.

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

On motion of Representative Selby, **HCS HB 1695, as amended**, was adopted.

On motion of Representative Selby, **HCS HB 1695, as amended**, was ordered perfected and printed.

**HCS HB 1936**, relating to agriculture, was taken up by Representative Shoemyer (9).

Representative Shoemyer (9) offered **HS HCS HB 1936**.

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

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill No. 1936, Page 2, Section 261.230, Line 16, by deleting the words "**or any equivalent successor program**".

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

Which motion was defeated by the following vote:

AYES: 070

Ballard	Barnett	Bartelsmeyer	Bartle	Bearden
Behnen	Berkstresser	Black	Boatright	Burton
Byrd	Champion	Cierpiot	Cooper	Crawford
Crowell	Cunningham	Dempsey	Dolan	Enz
Fares	Froelker	Gaskill	Gratz	Griesheimer
Hanaway	Hegeman	Henderson	Hendrickson	Hunter
Jetton	Kelley 47	King	Legan	Linton
Lograsso	Long	Luetkemeyer	Luetkenhaus	Marble
Marsh	May 149	Mayer	Miller	Moore
Murphy	Myers	Nordwald	Ostmann	Phillips
Portwood	Purgason	Quinn	Rector	Reid
Richardson	Ridgeway	Roark	Robirds	Ross
Schwab	Scott	Secrest	Shields	Shoemaker
St. Onge	Townley	Vogel	Whorton	Wright



NOES: 080

Abel	Baker	Barnitz	Barry 100	Berkowitz
Bland	Bonner	Boucher	Bowman	Boykins
Bray 84	Britt	Brooks	Campbell	Carnahan
Clayton	Copenhaver	Crump	Curls	Daus
Davis	Farnen	Foley	Franklin	Fraser
Gambaro	George	Graham	Green 15	Green 73
Hagan-Harrell	Hampton	Harding	Haywood	Hickey
Hilgemann	Hollingsworth	Holt	Hoppe	Hosmer
Johnson 61	Johnson 90	Jolly	Jones	Kelly 27
Kelly 36	Lawson	Liese	Lowe	Mays 50
McKenna	Merideth	Monaco	O'Connor	O'Toole
Overschmidt	Paone	Ransdall	Relford	Rizzo
Scheve	Seigfreid	Selby	Shelton	Shoemyer
Skaggs	Smith	Thompson	Treadway	Troupe
Van Zandt	Villa	Walker	Walton	Ward
Williams	Willoughby	Wilson 25	Wilson 42	Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 012

Burcham	Harlan	Hartzler	Hohulin	Holand
Kelly 144	Koller	Naeger	Reinhart	Reynolds
Surface	Wagner			

VACANCIES: 001

Representative Shoemyer (9) offered **House Amendment No. 2.**

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill No. 1936, Page 5, Section 261.235, Line 24, by inserting after the word “produced” on said line the following: “**or family-farm corporation-produced**”; and

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

On motion of Representative Shoemyer (9), **House Amendment No. 2** was adopted.

Representative Shoemyer (9) offered **House Amendment No. 3.**

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

Representative Britt requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order not well taken.

**House Amendment No. 3** was withdrawn.

On motion of Representative Shoemyer (9), **HS HCS HB 1936, as amended**, was adopted by the following vote:

AYES: 075

Abel	Baker	Barnitz	Barry 100	Berkowitz
Bland	Bonner	Boucher	Boykins	Bray 84
Britt	Brooks	Campbell	Carnahan	Clayton
Crump	Curls	Daus	Davis	Farnen
Foley	Franklin	Fraser	Gambaro	George
Graham	Green 15	Green 73	Hagan-Harrell	Hampton
Harding	Haywood	Hickey	Hollingsworth	Holt
Hoppe	Hosmer	Johnson 61	Johnson 90	Jolly
Jones	Kelly 27	Kelly 36	Liese	Lowe
Luetkenhaus	Mays 50	McKenna	Merideth	Monaco
O'Connor	O'Toole	Overschmidt	Paone	Ransdall
Relford	Rizzo	Scheve	Seigfreid	Selby
Shelton	Shoemyer	Skaggs	Smith	Treadway
Troupe	Villa	Walker	Walton	Ward
Williams	Willoughby	Wilson 25	Wilson 42	Mr. Speaker

NOES: 071

Ballard	Barnett	Bartelsmeyer	Bartle	Bearden
Behnen	Berkstresser	Black	Boatright	Burton
Byrd	Champion	Cierpiot	Cooper	Copenhaver
Crawford	Crowell	Cunningham	Dempsey	Dolan
Enz	Fares	Froelker	Gaskill	Gratz
Griesheimer	Hanaway	Hartzler	Hegeman	Henderson
Hendrickson	Hunter	Jetton	Kelley 47	Kelly 144
King	Legan	Linton	Lograsso	Long
Luetkemeyer	Marsh	May 149	Mayer	Miller
Moore	Murphy	Myers	Nordwald	Ostmann
Phillips	Portwood	Purgason	Quinn	Rector
Reid	Richardson	Ridgeway	Roark	Robirds
Ross	Schwab	Scott	Secrest	Shields
Shoemaker	St. Onge	Townley	Vogel	Whorton
Wright				

PRESENT: 000

ABSENT WITH LEAVE: 016

Bowman	Burcham	Harlan	Hilgemann	Hohulin
Holand	Koller	Lawson	Marble	Naeger
Reinhart	Reynolds	Surface	Thompson	Van Zandt
Wagner				

VACANCIES: 001

On motion of Representative Shoemyer (9), **HS HCS HB 1936, as amended**, was ordered perfected and printed.

Speaker Kreider assumed the Chair.

**HCS HBs 1729, 1589 & 1435**, relating to concealable weapons, was taken up by Representative Barnitz.

Representative Barnitz offered **HS HCS HBs 1729, 1589 & 1435**.

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

*House Amendment No. 1*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1729, 1589 & 1435, Page 2, Section 50.535, Line 8, by deleting the following: "**this section**" and inserting in lieu thereof the following: "**section 571.094 RSMo**"; and

Further amend said bill, Page 13, Section 571.094, Line 19, by deleting the following: "**23**" and inserting in lieu thereof the following: "**22**".

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

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

*House Amendment No. 2*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1729, 1589 & 1435, Page 9, Section 571.094, Line 14, by deleting "**five-year**" on said line and inserting in lieu thereof the following: "**ten-year**"; and

Further amend said bill, Page 9, Section 571.094, Line 20, by deleting "**five-year**" on said line and inserting in lieu thereof the following: "**ten-year**"; and

Further amend said bill, Page 11, Section 571.094, Line 21, by deleting "**five-year**" on said line and inserting in lieu thereof the following: "**ten-year**"; and

Further amend said bill, Page 12, Section 571.094, Line 2, by deleting "**five-year**" on said line and inserting in lieu thereof the following: "**ten-year**"; and

Further amend said bill, Page 38, Section 571.094, Line 12, by deleting "**five-year**" on said line and inserting in lieu thereof the following: "**ten-year**"; and

Further amend said bill, Page 38, Section 571.094, Line 18, by deleting "**five-year**" on said line and inserting in lieu thereof the following: "**ten-year**".

Representative Seigfreid moved that **House Amendment No. 2** be adopted.

Which motion was defeated.

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

*House Amendment No. 3*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1729, 1589 & 1435, Page 42, Section 571.094, Line 2 of said page, by deleting all of said line and inserting in lieu thereof the following:

**"2003, the certificate of qualification issued by a county sheriff pursuant to subsection 1 of section 571.094, shall allow the person issued such certificate to carry a concealed weapon pursuant to the requirements of subsection 19 of this section in lieu of the concealed carry endorsement issued by the director of revenue, unless such certificate of qualification has been suspended or revoked for cause."**; and

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

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

Representative Riback Wilson (25) offered **House Amendment No. 4**.

*House Amendment No. 4*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1729, 1589 & 1435, Page 9, Section 571.094, Line 7, by deleting “**other than a crime**” on said line; and

Further amend said bill, Page 9, Section 571.094, Lines 8 to 11, by deleting all of said lines; and

Further amend said bill, Page 10, Section 571.094, Line 2, by deleting “**other than a crime**”; and

Further amend said bill, Section 571.094, Lines 3 to 6, by deleting all of said lines; and

Further amend said bill, Page 11, Line 14, Section 571.094, by deleting “**other than a crime classified as a misdemeanor**” on said line; and

Further amend said bill, Page 11, Section 571.094, Lines 15 to 17, by deleting all of said lines; and

Further amend said bill, Page 12, Section 571.094, Line 9, by deleting “**other than a crime classified as a misdemeanor**” on said line; and

Further amend said bill, Page 12, Section 571.094, Lines 10 to 12, by deleting all of said lines.

Representative Riback Wilson (25) moved that **House Amendment No. 4** be adopted.

Which motion was defeated by the following vote:

AYES: 057

Abel	Baker	Barry 100	Bland	Boucher
Bowman	Boykins	Brooks	Byrd	Campbell
Carnahan	Cunningham	Curls	Daus	Dempsey
Enz	Fares	Foley	Franklin	Fraser
Gambaro	George	Graham	Green 15	Hagan-Harrell
Hanaway	Harding	Haywood	Hendrickson	Hickey
Hilgemann	Hollingsworth	Hosmer	Johnson 61	Johnson 90
Jolly	Jones	Kelley 47	Kelly 27	Lowe
Mays 50	Monaco	Paone	Portwood	Rizzo
Scheve	Shelton	Shields	Shoemaker	Skaggs
St. Onge	Villa	Walker	Williams	Willoughby
Wilson 25	Wilson 42			

NOES: 078

Ballard	Barnett	Barnitz	Bartelsmeyer	Bartle
Bearden	Behnen	Berkowitz	Berkstresser	Black
Boatright	Bonner	Britt	Champion	Cierpiot
Clayton	Cooper	Copenhaver	Crawford	Crowell
Crump	Davis	Dolan	Farnen	Gaskill
Gratz	Griesheimer	Hampton	Hartzler	Hegeman

Henderson	Holt	Hunter	Jetton	Kelly 144
Kelly 36	King	Legan	Liese	Linton
Long	Luetkemeyer	Marsh	May 149	Mayer
McKenna	Merideth	Miller	Moore	Myers
Overschmidt	Phillips	Purgason	Quinn	Ransdall
Rector	Reid	Relford	Richardson	Ridgeway
Roark	Robirds	Ross	Schwab	Scott
Secrest	Seigfreid	Selby	Shoemyer	Smith
Townley	Treadway	Troupe	Vogel	Ward
Whorton	Wright	Mr. Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 027

Bray 84	Burcham	Burton	Froelker	Green 73
Harlan	Hohulin	Holand	Hoppe	Koller
Lawson	Lograsso	Luetkenhaus	Marble	Murphy
Naeger	Nordwald	O'Connor	O'Toole	Ostmann
Reinhart	Reynolds	Surface	Thompson	Van Zandt
Wagner	Walton			

VACANCIES: 001

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

*House Amendment No. 5*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1729, 1589 & 1435, Page 26, Section 571.094, Line 19, by inserting after the word “Any” the following: “**higher education institution or**”; and

Further amend said bill, Page 26, Section 571.094, Line 20, by inserting after the word “of” on said line the following: “**the governing body of the higher education institution or**”.

On motion of Representative Barnitz, **House Amendment No. 5** was adopted.

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

*House Amendment No. 6*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1729, 1589 & 1435, Page 85, Section 571.094, Line 20, by inserting after the word “endorsement” on said line the words “**to carry a specified firearm**”; and

Further amend said bill, section and page, Line 23, by inserting after the word “application” on said line the words:

“**The specified firearm shall be identified on the face of the certificate by manufacturer, model, serial number, caliber, barrel length and other pertinent information.**”.

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

Which motion was defeated by the following vote:

AYES: 049

Baker	Barry 100	Bland	Boucher	Bowman
Boykins	Brooks	Campbell	Carnahan	Curls
Daus	Fares	Farnen	Foley	Franklin
Fraser	Gambara	George	Graham	Green 15
Green 73	Hagan-Harrell	Harding	Haywood	Hendrickson
Hickey	Hilgemann	Hollingsworth	Hoppe	Hosmer
Johnson 61	Jolly	Jones	Kelly 27	Lowe
Mays 50	O'Connor	O'Toole	Rizzo	Scheve
Shelton	Skaggs	Villa	Walker	Walton
Williams	Willoughby	Wilson 25	Wilson 42	

NOES: 088

Abel	Barnett	Barnitz	Bartelsmeyer	Bartle
Bearden	Behnen	Berkowitz	Berkstresser	Black
Boatright	Bonner	Byrd	Champion	Cierpiot
Clayton	Cooper	Copenhaver	Crawford	Crowell
Crump	Cunningham	Davis	Dempsey	Enz
Froelker	Gaskill	Gratz	Griesheimer	Hampton
Hanaway	Hartzler	Hegeman	Henderson	Holand
Holt	Hunter	Jetton	Johnson 90	Kelley 47
Kelly 144	Kelly 36	King	Legan	Liese
Linton	Lograsso	Luetkemeyer	Marsh	May 149
Mayer	McKenna	Merideth	Miller	Monaco
Moore	Myers	Ostmann	Overschmidt	Phillips
Purgason	Quinn	Ransdall	Rector	Reid
Relford	Richardson	Ridgeway	Roark	Ross
Schwab	Scott	Secrest	Seigfreid	Selby
Shields	Shoemaker	Shoemyer	Smith	St. Onge
Townley	Treadway	Troupe	Vogel	Ward
Whorton	Wright	Mr. Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 025

Ballard	Bray 84	Britt	Burcham	Burton
Dolan	Harlan	Hohulin	Koller	Lawson
Long	Luetkenhaus	Marble	Murphy	Naeger
Nordwald	Paone	Portwood	Reinhart	Reynolds
Robirds	Surface	Thompson	Van Zandt	Wagner

VACANCIES: 001

Representative Wilson (42) offered **House Amendment No. 7.**

*House Amendment No. 7*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1729, 1589 & 1435, Page 2, Section 50.535, Lines 4 to 7, by deleting all of said lines and inserting in lieu thereof the following:

**“3. If the moneys collected and deposited into this fund are not totally expended annually, then the unexpended balance shall remain in said fund and the balance used to produce and distribute public service announcements promoting the safe storage of firearms in the presence of children.”.**

On motion of Representative Wilson (42), **House Amendment No. 7** was adopted.

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

*House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1729, 1589 & 1435, Page 41, Section 571.094, Line 22, by inserting after all of said line the following:

**"37. This section shall become effective only in those counties in which the governing body of the county submits to the voters of the county, at a regularly scheduled countywide election, a proposal to implement the provisions of this section, or in which a petition, signed by a number of qualified voters residing in the county equal to eight percent of the votes cast in the county in the next preceding gubernatorial election, is filed with the governing body of the county requesting the submission of a proposal to implement the provisions of this section to the voters at a regularly scheduled countywide election. The governing body of the county shall give notice of the election by publication in a newspaper of general circulation in the county for two consecutive weeks, the last insert of which shall be within ten days of the election. The ballot of submission shall include, but not be limited to the following language:**

**Shall the county of . . . . . (County's name) enforce section 571.094, RSMo, the concealed carry law?**

☐ YES

☐ NO

**If a majority of the votes cast on the proposal by the qualified voters voting thereon in the county are in favor of the proposal, this section shall become effective in that county. If a majority of the votes cast on the proposal by the qualified voters voting thereon in the county are opposed to such proposal, this section shall not become effective in that county."; and**

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

Representative Hanaway offered **House Substitute Amendment No. 1 for House Amendment No. 8**.

*House Substitute Amendment No. 1  
for  
House Amendment No. 8*

AMEND House Substitute for House Committee Substitute for House Bill Nos. 1729, 1589 & 1435, Page 41, Section 571.094, Line 21, by inserting after all of said line the following:

**"37. The provisions of this section shall not apply to any county with a charter form of government and with more than one million inhabitants, or to any city not within a county, or to any home rule city with more than four hundred thousand inhabitants and located in more than one county or to any county of the first classification without a charter form of government and with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants, or to any county of the first classification without a charter form of government and with more than eighty-five thousand nine hundred but less than eighty-six thousand inhabitants, or to any county of the first classification without a charter form of government and with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants, or to any county of the first classification without a charter form of government and with more than seventy-one thousand three hundred but less than seventy-one thousand four hundred inhabitants, or to any county of the third classification with a township form of government and with more than six thousand eight hundred but less than six thousand nine hundred inhabitants, or to any county with a charter form of government and with more than six hundred thousand but less than seven hundred thousand inhabitants, or to any county of the third classification with a township form of government and with more than twenty-one**

thousand eight hundred fifty but less than twenty-one thousand nine hundred fifty inhabitants, or to any county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants, or to any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants, unless the governing body of such county or such city submits to the voters of such county or such city, at a regularly scheduled countywide or citywide election, a proposal to implement the provisions of this section, or in which a petition, signed by a number of qualified voters residing in such county or such city equal to eight percent of the votes cast in such county or such city in the next preceding gubernatorial election, is filed with the governing body of such county or such city requesting the submission of a proposal to implement the provisions of this section to the voters at a regularly scheduled countywide or citywide election. The governing body of such county or such city shall give notice of the election by publication in a newspaper of general circulation in such county or such city for two consecutive weeks, the last insert of which shall be within ten days of the election. The ballot of submission shall include, but not be limited to the following language:

Shall the (county of ..... ) (city of ..... ) (county's name) (city's name) enforce section 571.094, RSMo, the concealed carry endorsement law?

☐ YES

☐ NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon in such county or such city are in favor of the proposal, this section shall become effective in that county or that city. If a majority of the votes cast on the proposal by the qualified voters voting thereon in such county or such city are opposed to such proposal, this section shall not become effective in that county or that city."; and

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

**HCS HBs 1729, 1589 & 1435, with House Substitute Amendment No. 1 for House Amendment No. 8, House Amendment No. 8 and HS, as amended, pending, was laid over.**

#### **REFERRAL OF HOUSE CONCURRENT RESOLUTION**

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

**HCR 40** - Education-Elementary and Secondary

#### **REFERRAL OF HOUSE BILLS**

The following House Bills were referred to the Committee indicated:

**HCS HB 1143** - Fiscal Review and Government Reform (Fiscal Note)

**HS HCS HB 1962** - Fiscal Review and Government Reform (Fiscal Note)

**HB 1121** - Budget

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

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

**SCR 58** - Insurance



## **REFERRAL OF SENATE BILL**

The following Senate Bill was referred to the Committee indicated:

**SCS SBs 1061 & 1062** - Critical Issues, Consumer Protection and Housing

## **COMMITTEE REPORTS**

**Committee on Miscellaneous Bills & Resolutions**, Chairman O'Toole reporting:

Mr. Speaker: Your Committee on Miscellaneous Bills & Resolutions, to which was referred **HB 1777**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Utilities Regulation**, Chairman Mays (50) reporting:

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **HB 1500**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Mr. Speaker: Your Committee on Utilities Regulation, to which was referred **HB 1914**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

**Committee on Ways and Means**, Chairman Hilgemann reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **HB 1576**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

## **MESSAGES FROM THE SENATE**

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted the Conference Committee Report on **SCS HCS HB 1115**, and has taken up and passed **CCS SCS HCS HB 1115**.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SBs 670 & 684**, entitled:

An act to repeal sections 168.021, 191.900, 191.910, 198.012, 198.029, 198.032, 198.067, 198.070, 198.082, 198.090, 198.526, 198.532, 344.050, 565.186, 565.188, 565.190, 630.140, 630.167, 660.050, 660.058, 660.305, 660.315, 660.317 and 660.320, RSMo, relating to protection of the elderly, and to enact in lieu thereof thirty-five new sections relating to the same subject, with penalty provisions.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS SBs 837, 866, 972 & 990**, entitled:

An act to repeal sections 142.028, 348.430, 348.432 and 414.032, RSMo, relating to agriculturally-based fuels, and to enact in lieu thereof five new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SBs 894, 975 & 927**, entitled:

An act to amend chapter 144, RSMo, by adding thereto one new section relating to a temporary exemption from state and local sales and use tax on retail sales of clothing, school supplies and personal computers before the start of the school year, with an emergency clause and a termination date.

Emergency clause defeated.

In which the concurrence of the House is respectfully requested.

### **LETTER OF OBJECTION**

April 18, 2002

Mr. Ted Wedel  
Chief Clerk  
Missouri House of Representatives  
Room 306, Capitol Building  
Jefferson City, MO 65101

Dear Mr. Wedel,

I am respectfully submitting a correction to the House Journal for the 54<sup>th</sup> day, Wednesday, April 17, 2002.

On page 1148 under MOTION, the sentence should read "The motion to reconsider the vote by which HB 1869 was third read and defeated was made by Casper the Unfriendly Ghost and taken up."

On page 1162 under MOTION, the sentence should read "The motion to reconsider the vote by which HB 1869 was third read and defeated was made by Casper the Unfriendly Ghost and again taken up."

Respectfully submitted,

/s/ Thomas A. Villa

The following member's presence was noted: Reinhart.

### **ADJOURNMENT**

On motion of Representative Crump, the House adjourned until 3:00 p.m., Monday, April 22, 2002.

## **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Fifty-fourth Day, Wednesday, April 17, 2002, pages 1140 and 1141, roll call, by showing Representatives Graham and Hunter voting "aye" rather than "absent with leave".

Pages 1141 and 1142, roll call, by showing Representatives Boucher, Hunter and Kelly (144) voting "aye" rather than "absent with leave".

Page 1146, roll call, by showing Representatives Berkstresser and Green (15) voting "aye" rather than "absent with leave".

Page 1147, roll call, by showing Representatives Bartelsmeyer, Berkstresser, Green (15), Hampton and Jolly voting "aye" rather than "absent with leave".

Pages 1152 and 1153, roll call, by showing Representatives Barry and Wagner voting "aye" rather than "absent with leave".

Pages 1156 and 1157, roll call, by showing Representative Johnson (61) voting "aye" rather than "present".

Pages 1156 and 1157, roll call, by showing Representatives Wagner and Ward voting "aye" rather than "absent with leave".

Page 1158, roll call, by showing Representatives Wagner and Ward voting "no" rather than "absent with leave".

Page 1159, roll call, by showing Representative Wagner voting "no" rather than "absent with leave".

Pages 1160 and 1161, roll call, by showing Representatives Barnett, Campbell, Hosmer, Ross and Ward voting "aye" rather than "absent with leave".

Page 1162, roll call, by showing Representative Ross voting "aye" rather than "absent with leave".

Page 1163, roll call, by showing Representative Ross voting "aye" rather than "absent with leave".

## **COMMITTEE MEETINGS**

### **BUDGET**

Monday, April 22, 2002, 12:00 p.m. Hearing Room 3.  
Public Hearing to be held on: HB 1120, HB 1121

CIVIL AND ADMINISTRATIVE LAW

Tuesday, April 23, 2002, 9:30 a.m. Side gallery.

Executive Session to be held on: SB 969

CRITICAL ISSUES, CONSUMER PROTECTION AND HOUSING

Monday, April 22, 2002, 8:00 p.m. Hearing Room 3.

Public Hearing to be held on: SB 1061

ELECTIONS

Monday, April 22, 2002. Side gallery upon evening adjournment.

Executive Session.

Public Hearing to be held on: SB 675

FISCAL REVIEW AND GOVERNMENT REFORM

Tuesday, April 23, 2002. Hearing Room 3 upon morning recess.

Fiscal Review: HB 1460, HS HCS HB 1962, HCS HB 1143.

Public Hearing to be held on: HB 1404

JOINT COMMITTEE ON CAPITAL IMPROVEMENTS AND LEASES OVERSIGHT

Wednesday, April 24, 2002, 8:30 a.m. Hearing Room 5. U.S.

Custom House & Post Office Bldg. in St. Louis.

Master Plan for development of JCCC prison site.

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Tuesday, April 30, 2002, 1:00 p.m. Hearing Room 3.

Fire Protection District Special Review.

JUDICIARY

Tuesday, April 23, 2002. Hearing Room 5 upon morning recess.

Public Hearing to be held on: HJR 58, SB 840

TRANSPORTATION

Monday, April 22, 2002, 12:00 p.m. Hearing Room 6. AMENDED.

Executive Session.

WAYS AND MEANS

Tuesday, April 23, 2002, 8:30 a.m. Hearing Room 4.

Public Hearing to be held on: SB 836

**HOUSE CALENDAR**

FIFTY-SIXTH DAY, MONDAY, APRIL 22, 2002

**HOUSE JOINT RESOLUTION FOR PERFECTION**

HCS HJR 47 - Willoughby

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 1729, 1589 & 1435, HSA 1 for HA 8, HA 8 and HS, as amended, pending - Barnitz
- 2 HCS HB 1577, 1760, 1433, 1430, 1029 & 1700 - Campbell
- 3 HB 1090 - Reynolds
- 4 HB 1508 - Koller
- 5 HB 1350 - Liese
- 6 HCS HB 1656 - Wright
- 7 HCS HB 1216 - Johnson (61)
- 8 HB 1627 - Kreider
- 9 HCS HB 1886 - Rizzo
- 10 HB 1307 - Williams
- 11 HB 1988 - Kelly (144)
- 12 HCS HB 1868 - Barry
- 13 HB 2160 - Britt
- 14 HCS HB 1650 - Hoppe
- 15 HB 1916 - Franklin
- 16 HCS HB 1231 - Harding
- 17 HB 2097 - Copenhaver
- 18 HCS HB 1318 - George
- 19 HCS HB 1777 - Johnson (61)
- 20 HCS HB 1576 - Hilgemann
- 21 HCS HB 1914 - Mays (50)

**HOUSE BILLS FOR PERFECTION - INFORMAL**

- 1 HB 1594, as amended - Gratz
- 2 HCS HB 1069 - Bray
- 3 HCS HB 1479 - Ladd Baker

**HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING**

HCR 4, (4-18-02) - Boucher

**HOUSE JOINT RESOLUTIONS FOR THIRD READING**

- 1 HJR 32 - Barry
- 2 HJR 28 - Villa
- 3 HCS HJR 51 - Whorton

**HOUSE BILLS FOR THIRD READING**

- 1 HCS HB 1472, (Fiscal Review 2-25-02) - Whorton
- 2 HB 1460, (Fiscal Review 4-17-02) - Hilgemann
- 3 HS HCS HB 1962, (Fiscal Review 4-18-02) - Monaco
- 4 HCS HB 1143, (Fiscal Review 4-18-02) - Rizzo
- 5 HCS HB 1809 - Sanders Brooks
- 6 HB 1726 - Walton
- 7 HCS HB 1717 - Foley

**HOUSE BILL FOR THIRD READING - REVISION**

HB 2078 - Clayton

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

- 1 HB 1872 - Hosmer
- 2 HB 2155 - Willoughby

**SENATE BILLS FOR SECOND READING**

- 1 SS SCS SB 670 & 684
- 2 SS SCS SB 837, 866, 972 & 990
- 3 SCS SB 894, 975 & 927

**SENATE BILLS FOR THIRD READING - CONSENT**

(April 15, 2002)

SCS SB 988 - Hartzler

(April 16, 2002)

- 1 HCS SCS SB 645 - Relford
- 2 HCS SB 992 - Rizzo
- 3 SB 1124 - Gambaro
- 4 SCS SB 804 - Sanders Brooks
- 5 SB 639 - Williams
- 6 HCS SCS SB 776 - Harlan

- 7 HCS SCS SB 1113 - Farnen
- 8 SCS SB 997 - Willoughby
- 9 HCS SB 1012 - Lawson
- 10 HCS SB 795 - Treadway
- 11 HCS SCS SB 1086 & 1126 - Hoppe
- 12 HCS SB 786 - Campbell
- 13 SCS SB 1132 - Daus
- 14 HCS SB 1244 - Barry
- 15 HCS SB 961 - Curls
- 16 SB 708 - Lawson
- 17 SB 701 - Lowe
- 18 SB 742 - Monaco
- 19 HCS SB 749 - Monaco
- 20 HCS SB 1213 - Hosmer
- 21 HCS SCS SB 1210 - Lawson
- 22 SB 1247 - Willoughby
- 23 SB 1001 - Crump
- 24 HCS SB 1078 - Hoppe
- 25 SB 941 - Mays (50)
- 26 HCS SB 695 - Barry
- 27 HCS SB 962 - Jolly
- 28 HCS SB 1119 - Kelly (27)
- 29 SB 1217 - Boykins
- 30 SCS SB 967 - Hagan-Harrell
- 31 SB 1243 - Kelly (27)
- 32 HCS SCS SB 1212 - Ransdall
- 33 SB 1041, HCAs 1, 2 & 3 - Gratz
- 34 SB 1168, HCA 1 - Gratz
- 35 SB 974 - Koller
- 36 HCS SB 1251 - Monaco
- 37 SCS SB 1163 - Ransdall
- 38 SB 720 - Hoppe
- 39 HCS SB 714 - Barry
- 40 SCS SB 729 - Luetkenhaus
- 41 SB 891 - Rizzo
- 42 HCS SB 932 - Smith
- 43 SCS SB 1015 - Relford
- 44 SCS SB 1071 - Lawson
- 45 HCS SB 1094 - Green (73)
- 46 SB 1048 - Reinhart
- 47 SB 1028 - Luetkemeyer
- 48 SB 812 - Holand
- 49 SB 726 - Gaskill
- 50 SB 865 - Myers
- 51 SCS SB 918 - Linton

1202 *Journal of the House*

- 52 HCS SB 1102 - Hosmer
- 53 SB 1109 - Portwood
- 54 HCS SCS SB 947 - Farnen
- 55 SCS SB 1207 - Holand
- 56 SCS SB 1151 - Myers
- 57 HCS SCS SB 980 - Hunter
- 58 SCS SB 874 - Franklin
- 59 HCS SB 1186 - Hoppe
- 60 SCS SB 1182 - Barry
- 61 HCS SCS SB 1202, E.C. - Koller
- 62 HCS SB 758 - Hosmer
- 63 SCS SB 1024 - Holand
- 64 SB 976 - Portwood
- 65 SS SCS SB 959, E.C. - Rizzo
- 66 SB 644 - Davis
- 67 SCS SB 1241, 1253 & 1189 - Boykins
- 68 SCS SB 966 - Gambaro
- 69 SB 798 - Ross
- 70 SCS SB 745 - Kelly (144)
- 71 HCS SB 950 - Griesheimer
- 72 SB 1199, HCA 1 - Bearden
- 73 HCS SCS SB 960 - O'Connor
- 74 HCS SCS SB 1093 - Hilgemann
- 75 SB 831 - Gambaro
- 76 HCS SCS SB 957 - Reid
- 77 SCS SB 656 - Luetkenhaus
- 78 HCS SCS SB 737 - Berkowitz

**SENATE BILL FOR THIRD READING**

SB 1220 - O'Toole

**HOUSE RESOLUTIONS**

- 1 HR 341, (3-7-02, Page 518) - Ladd Baker
- 2 HR 281, (4-9-02, Pages 1021 & 1022) - Hampton