

# JOURNAL OF THE HOUSE

First Regular Session, 92nd GENERAL ASSEMBLY

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SIXTY-FIRST DAY, TUESDAY, APRIL 29, 2003

Speaker Hanaway in the Chair.

Prayer by Reverend James Earl Jackson.

Heavenly Father, we declare this truth from Your Word, "You have been a refuge for us, a tower of strength in the day of adversity." Time and time again You have lead us down a path of understanding and wisdom. You have been our strength and refuge in tough times. We pray for that to continue.

We are grateful that You hear us when we pray. May our petition for resolution to the budget issues of this day remain before You night and day until completion.

We recognize the magnitude of the responsibilities before us and the needs of so many. Help us, in wisdom and practicality, to do our part in helping to meet those needs. May we be unified in that thought.

Now may the words of our mouths and the meditations of our hearts be acceptable in Your sight this day and forever.

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: Taryn Morgan, Amanda Malotte, Megan Fine, Brooke Crouch, Ivana Aleksic, Megan Emig, Nathan Hoffman, Lindsey Philipot, Will Brennan, Jeff Duchardt, Catie Deck, Michelle Hadler, Alexis Etzkorn, Michael Shoulberg, Thomas Cassilly, Brittney Dioneda, Alison Jeffries, Logan Page and Megan Rayon.

The Journal of the sixtieth day was approved as corrected.

## HOUSE CONCURRENT RESOLUTION

Representative Munzlinger offered House Concurrent Resolution No. 36.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2234

through

House Resolution No. 2263 - Representative Kingery

House Resolution No. 2264 - Representative Wallace

- House Resolution No. 2265 - Representative Seigfreid  
House Resolution No. 2266 - Representative Kuessner  
House Resolution No. 2267 - Representative Hubbard  
House Resolution No. 2268  
and  
House Resolution No. 2269 - Representative Carnahan  
House Resolution No. 2270  
through  
House Resolution No. 2273 - Representative Guest  
House Resolution No. 2274  
through  
House Resolution No. 2277 - Representative Hampton  
House Resolution No. 2278 - Representative Icet  
House Resolution No. 2279  
through  
House Resolution No. 2281 - Representative Angst  
House Resolution No. 2282  
through  
House Resolution No. 2300 - Representative Viebrock  
House Resolution No. 2301 - Representatives Carnahan and Wagner  
House Resolution No. 2302  
and  
House Resolution No. 2303 - Representative Dethrow  
House Resolution No. 2304 - Representative Baker  
House Resolution No. 2305 - Representative Rupp  
House Resolution No. 2306 - Representative Holand  
House Resolution No. 2307 - Representative Luetkemeyer  
House Resolution No. 2308 - Representative Lager  
House Resolution No. 2309 - Representative Hanaway  
House Resolution No. 2310 - Representative Crowell  
House Resolution No. 2311  
and  
House Resolution No. 2312 - Representative Bringer  
House Resolution No. 2313 - Representative Miller

## **SECOND READING OF HOUSE BILLS**

**HB 755** through **HB 761** were read the second time.

## **COMMITTEE REPORT**

**Committee on Budget**, Chairman Bearden reporting:

Madam Speaker: Your Committee on Budget, to which was referred **HCS SS SS SCS SBs 556 & 311** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

### **SIGNING OF HOUSE BILL**

All other business of the House was suspended while **HCS HB 93** was read at length and, there being no objection, was signed by the Speaker to the end that the same may become law.

### **THIRD READING OF SENATE BILL**

**HCS SS SCS SB 298**, relating to liquor sales, was taken up by Representative Johnson (47).

Representative Johnson (47) offered **House Amendment No. 1**.

#### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 4, Section 311.102, Lines 12 and 13, by deleting all of said lines and inserting in lieu thereof the following:

"more which is located in more than one county [which has occupancy capacity for patrons of at least three hundred and] which has gross annual sales in excess of two hundred fifty thousand"; and

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

On motion of Representative Johnson (47), **House Amendment No. 1** was adopted.

Representative Johnson (47) offered **House Amendment No. 2**.

#### *House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 12, Section 1, Line 36, by inserting at the end of said line the following:

**"This section shall fully preempt and supersede any ordinances, rules, or regulations made by an city, county, or other political subdivision of the state of Missouri which regulate the selling, labeling, or registering of kegs. This section shall not impose any new or additional civil or criminal liability upon the retail licensee."**; and

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

On motion of Representative Johnson (47), **House Amendment No. 2** was adopted.

Representative Johnson (47) offered **House Amendment No. 3**.

#### *House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 11, Section 312.410, Line 7, by inserting after all of said line the following:

"573.505. 1. In order to defray the costs of background checks conducted pursuant to section 573.503, any city not within a county and any county may, by ordinance or order, impose a sales tax on all retail sales which are subject to taxation under the provisions of sections 144.010 to 144.510, RSMo, made in such city or county by any adult cabaret. The tax authorized by this section shall not be levied at a rate which would amount to a sum greater than [ten] **five** percent of the gross receipts of any such business. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no order or ordinance imposing a sales tax under the provisions of this section shall be effective unless the governing body of the city or county submits to the voters of the city or county, at a city, county or state general, primary, or special election, a proposal to authorize the governing body of the city or county to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the city or county of ..... (city's or county's name) impose a sales tax upon adult cabarets of ..... (Insert amount) for a period not to exceed ..... (Insert number) years for the purpose of investigating the background of the employees of such businesses?

YES                       NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No". If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments thereto shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the city or county shall have no power to impose the sales tax authorized by this section unless and until the governing body of the city or county shall again have submitted another proposal to authorize the governing body of the city or county to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a city or county from the tax authorized under the provisions of this section shall be deposited in a special trust fund and shall be used by the city or county solely for the investigation of the backgrounds of persons employed at any adult cabaret in such city or county. Any funds in such special trust fund which are not needed for current expenditures may be invested by the governing body in accordance with applicable laws relating to the investment of other city or county funds.

4. The tax authorized by this section shall terminate four years from the date on which such tax was initially imposed by the city or county, unless sooner abolished by the governing body of the city or county.

5. All sales taxes collected by the director of revenue under this section on behalf of any city or county, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, RSMo, shall be deposited with the state treasurer in a special trust fund, which is hereby created, to be known as the "City and County Background Check Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund which was collected in each city or county imposing a sales tax under this section, and the records shall be open to the inspection of officers of the city or county and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the city or county which levied the tax. Such funds shall be deposited with the city or county treasurer of each such city or county, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city or county.

6. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city or county for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities or counties. If any city or county abolishes the tax, the city or county shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city or county, the director of revenue shall authorize the state treasurer to remit the balance in the account to the city or county and close the account of that city or county. The director of revenue shall notify each city or county of each instance of any amount refunded or any check redeemed from receipts due the city or county.

7. Except as modified in this section, all provisions of sections 32.085 and 32.087, RSMo, shall apply to the tax imposed under this section.

8. As used in this section, the term "city" means any city not within a county.

**573.509. 1. No person less than nineteen years of age shall dance in an adult cabaret as defined in section**

**573.500, nor shall any proprietor of such establishment permit any person less than nineteen years of age to dance in an adult cabaret.**

**2. Any person who violates the provisions of subsection 1 of this section is guilty of a class A misdemeanor.”; and**

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

Representative Villa raised a point of order that **House Amendment No. 3** is out of order.

The Chair ruled the point of order untimely.

On motion of Representative Johnson (47), **House Amendment No. 3** was adopted.

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

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 10, Section 311.401, Line 12, by inserting after all of said line the following:

"311.480. 1. It shall be unlawful for any person operating any premises where food, beverages or entertainment are sold or provided for compensation, who does not possess a license for the sale of intoxicating liquor **or nonintoxicating beer**, to permit the drinking or consumption of intoxicating liquor **or nonintoxicating beer**, in [, on, or about] the premises [between 10:00 p.m. and 6:00 a.m. the following day], without having a license as in this section provided.

2. Application for such license shall be made to the supervisor of liquor control on forms to be prescribed by him, describing the premises to be licensed and giving all other reasonable information required by the form. The license shall be issued upon the payment of the fee required in this section. A license shall be required for each separate premises and shall expire on the thirtieth day of June next succeeding the date of such license. The license fee shall be sixty dollars per year and the applicant shall pay five dollars for each month or part thereof remaining from the date of the license to the next succeeding first of July. Applications for renewals of licenses shall be filed on or before the first of May of each year.

3. The drinking or consumption of intoxicating liquor **or nonintoxicating beer** shall not be permitted in **or** [,] upon [, or about] the licensed premises by any person under twenty-one years of age, or by any other person between the hours of 1:30 a.m. and 6:00 a.m. on any weekday, and between the hours of [12:00 midnight Saturday] **1:30 a.m. Sunday** and [12:00 midnight Sunday] **6:00 a.m. Monday**. Licenses issued hereunder shall be conditioned upon the observance of the provisions of this section and the regulations promulgated thereunder governing the conduct of premises licensed for the sale of intoxicating liquor **or nonintoxicating beer** by the drink. The provision of this section regulating the drinking or consumption of intoxicating liquor **or nonintoxicating beer** between certain hours and on Sunday shall apply also to premises licensed under this chapter to sell intoxicating liquor **or nonintoxicating beer** by the drink. In any incorporated city having a population of more than twenty thousand inhabitants, the board of aldermen, city council, or other proper authorities of incorporated cities may, in addition to the license fee required in this section, require a license fee not exceeding three hundred dollars per annum, payable to the incorporated cities, and provide for the collection thereof; make and enforce ordinances regulating the hours of consumption of intoxicating liquors **or nonintoxicating beer** on premises licensed hereunder, not inconsistent with the other provisions of this law, and provide penalties for the violation thereof. No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the county, town, city or village, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the county, town, city or village.

4. Any premises operated in violation of the provisions of this section, or where intoxicating liquor **or nonintoxicating beer** is consumed in violation of this section, is hereby declared to be a public and common nuisance, and it shall be the duty of the supervisor of liquor control and of the prosecuting or circuit attorney of the city of St. Louis, and the prosecuting attorney of the county in which the premises are located, to enjoin such nuisance.

5. Any person operating any premises, or any employee, agent, representative, partner, or associate of such person, who shall knowingly violate any of the provisions of this section, or any of the laws or regulations herein made applicable to the conduct of such premises, is guilty of a class A misdemeanor.

6. The supervisor of liquor control is hereby empowered to promulgate regulations necessary or reasonably designed to enforce or construe the provisions of this section, and is empowered to revoke or suspend any license issued hereunder, as provided in this chapter, for violation of this section or any of the laws or regulations herein made applicable to the conduct of premises licensed hereunder.

7. Nothing in this section shall be construed to prohibit the sale or delivery of any intoxicating liquor **or nonintoxicating beer** during any of the hours or on any of the days specified in this section by a wholesaler licensed under the provisions of section 311.180 to a person licensed to sell the intoxicating liquor **or nonintoxicating beer** at retail.

8. No intoxicating liquor **or nonintoxicating beer** may be served or sold on any premises used as a polling place on election day."; and

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

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

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

Representative Johnson (47) raised a point of order that **House Amendment No. 5** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

*House Amendment No. 6*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 12, Section 1, Line 36, by inserting after all of said line the following:

**"Section 2. Any establishment possessing or qualifying for a license to sell intoxicating liquor by the drink at retail in any city not within a county, any home rule city with more than four hundred thousand inhabitants and located in more than one county, any city of the fourth classification with more than six thousand but less than six thousand one hundred inhabitants, or in any county of the first classification with more than thirty-seven thousand but less than thirty-seven thousand one hundred inhabitants, any county of the third classification without a township form of government and with more than twenty-three thousand five hundred but less than twenty-three thousand six hundred inhabitants, and any county of the third classification without a township form of government and with more than nineteen thousand three hundred but less than nineteen thousand four hundred inhabitants, if such county also contains all or part of a lake, and if such establishment is also located in a resort area, convention trade area, or enterprise zone area, the establishment may apply for a Sunday by the drink license between the hours of 9:00 a.m. and midnight on Sunday. Food sales shall not be a requirement for receiving a license pursuant to this section. The business establishment's annual gross receipts for the year immediately preceding the application for the Sunday by the drink license shall not have been less than one hundred fifty thousand dollars. Any new licensee possessing a license to sell intoxicating liquor by the drink at retail may apply for a temporary Sunday by the drink license and shall show a projection of annual gross receipts of not less than one hundred fifty thousand dollars. The license fee for such Sunday by the drink license shall be six hundred dollars per year. The license fee shall be prorated for the period of the license based on the cost of the annual license for the establishment.";** and

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

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

Which motion was defeated.

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

Representative Johnson (47) raised a point of order that **House Amendment No. 7** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

*House Amendment No. 8*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 12, Section 1, Line 36, by inserting after all of said line the following:

**"Section 2. 1. The supervisor of the division of alcohol and tobacco control shall not use minors to enforce the provisions of chapter 311, RSMo, unless the supervisor promulgates rules that establish standards for the use of minors. The supervisor shall establish mandatory guidelines for the use of minors in investigations by a state, county, municipal, or other local law enforcement authority which shall be followed by such authority and which shall, at a minimum, provide for the following:**

- (1) The minor shall be seventeen years of age;
- (2) The minor shall have a youthful appearance, and the minor, if a male, shall not have facial hair or a receding hairline and if a female, shall not wear excessive makeup or excessive jewelry;
- (3) The state, county, municipal, or other local law enforcement agency shall obtain the consent of the minor's parent or legal guardian before the use of such minor on a form approved by the supervisor;
- (4) The state, county, municipal, or other local law enforcement agency shall make a photocopy of the minor's valid identification showing the minor's correct date of birth;
- (5) Any attempt by such minor to purchase intoxicating liquor shall be videotaped or audiotaped with equipment sufficient to record all statements made by the minor and the seller of the intoxicating liquor;
- (6) The minor shall carry his or her own identification showing the minor's correct date of birth and shall, upon request, produce such identification to the seller of the intoxicating liquor;
- (7) The minor shall answer truthfully any questions about his or her age and shall not remain silent when asked questions regarding his or her age;
- (8) The minor shall not lie to the seller of the intoxicating liquor to induce a sale of intoxicating liquor;
- (9) The minor shall not be employed by the state, county, municipal, or other local law enforcement agency on an incentive or quota basis;
- (10) The state, county, municipal, or other local law enforcement agency shall, within forty-eight hours, contact or take all reasonable steps to contact the owner or manager of the establishment if a violation occurs;
- (11) The state, county, municipal, or other local law enforcement agency shall maintain records of each visit to an establishment where a minor is used by the state, county, municipal, or other local law enforcement agency for a period of at least one year following the incident, regardless of whether a violation occurs at each visit, and such records shall, at a minimum, include the following information:
  - (a) The signed consent form of the minor's parent or legal guardian;
  - (b) A Polaroid photograph of the minor;
  - (c) A photocopy of the minor's valid identification, showing the minor's correct date of birth;
  - (d) An information sheet completed by the minor on a form approved by the supervisor; and
  - (e) The name of each establishment visited by the minor, and the date and time of each visit.

**2. If the state, county, municipal, or other local law enforcement authority uses minors in investigations or in enforcing or determining violations of chapter 311, RSMo, or any local ordinance and does not comply with**

**the mandatory guidelines established by the supervisor of alcohol and tobacco control in subsection 1 of this section, the supervisor of alcohol and tobacco control shall not take any disciplinary action against the establishment or seller pursuant to chapter 311, RSMo, based on an alleged violation discovered when using a minor and shall not cooperate in any way with the state, county, municipal, or other local law enforcement authority in prosecuting any alleged violation discovered when using a minor.";** and

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

Representative Villa offered **House Amendment No. 1 to House Amendment No. 8.**

*House Amendment No. 1*  
*to*  
*House Amendment No. 8*

AMEND House Amendment No. 8 to House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 3, Subdivision 11, Line 15, Section B, by deleting the word "polaroid".

On motion of Representative Villa, **House Amendment No. 1 to House Amendment No. 8** was adopted.

Representative Richard moved that **House Amendment No. 8, as amended**, be adopted.

Which motion was defeated by the following vote:

AYES: 033

Crowell	Deeken	Dempsey	Dusenberg	Henke
Hobbs	Hunter	Icet	Jackson	King
Kratky	Kuessner	Lembke	Luetkemeyer	McKenna
Meiners	Nieves	Parker	Pratt	Richard
Ruestman	Rupp	Sander	Schlottach	Smith 118
St. Onge	Stevenson	Sutherland	Villa	Wagner
Wilson 130	Yates	Madam Speaker		

NOES: 121

Angst	Avery	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
Cunningham 145	Curls	Darrough	Daus	Davis 122
Dethrow	Dixon	Donnelly	Dougherty	El-Amin
Emery	Engler	Ervin	Fares	Fraser
George	Goodman	Guest	Hampton	Harris 110
Harris 23	Haywood	Hilgemann	Holand	Hoskins
Hubbard	Jetton	Johnson 47	Johnson 61	Johnson 90
Jolly	Jones	Kelly 144	Kelly 36	Kingery
Lager	LeVota	Liese	Lipke	Lowe
Marsh	May	Mayer	Merideth	Miller
Moore	Morris	Muckler	Munzlinger	Myers
Page	Pearce	Phillips	Portwood	Purgason
Quinn	Ransdall	Rector	Reinhart	Roark
Sager	Salva	Schaaf	Schneider	Schoemehl

Seigfreid	Selby	Self	Shoemaker	Shoemyer
Skaggs	Smith 14	Spreng	Stefanick	Thompson
Townley	Viebrock	Vogt	Walker	Wallace
Walsh	Walton	Ward	Wasson	Whorton
Wildberger	Willoughby	Wilson 119	Wilson 25	Wilson 42
Witte	Wood	Wright	Yaeger	Young
Zweifel				

PRESENT: 003

Cunningham 86	Taylor	Threlkeld
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ABSENT WITH LEAVE: 006

Abel	Adams	Davis 19	Graham	Green
Lawson				

Speaker Pro Tem Jetton assumed the Chair.

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

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 2, Section 311.097, Line 5, by deleting the brackets around "11:00" and deleting the word "**9:00**"; and

Further amend said bill, Page 2, Section 311.097, Line 24, by deleting the brackets around "11:00" and deleting the word "**9:00**"; and

Further amend said bill, Page 3, Section 311.097, Line 36, by deleting the brackets around "11:00" and deleting the word "**8:00**"; and

Further amend said bill, Page 3, Section 311.098, Line 5, by deleting the brackets around "11:00" and deleting the word "**9:00**"; and

Further amend said bill, Page 3, Section 311.098, Line 22, by deleting the brackets around "11:00" and deleting the word "**9:00**"; and

Further amend said bill, Page 4, Section 311.102, Line 6, by deleting the brackets around "11:00" and deleting the word "**9:00**"; and

Further amend said bill, Page 6, Section 311.200, Line 25, by deleting the word "**9:00**" and inserting the word "**11:00**" in lieu thereof; and

Further amend said bill, Page 8, Section 311.293, Line 6, by deleting the brackets around "11:00" and deleting the word "**9:00**"; and

Further amend said bill, Page 8, Section 311.293, Line 12, by deleting the brackets around "11:00" and deleting the word "**9:00**"; and

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

Representative Lembke offered **House Substitute Amendment No. 1 for House Amendment No. 9**.

*House Substitute Amendment No. 1  
for  
House Amendment No. 9*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 2, Section 311.097, Line 5, by deleting the brackets around "11:00" and deleting the word "9:00"; and

Further amend said bill, Page 2, Section 311.097, Line 24, by deleting the brackets around "11:00" and deleting the word "9:00"; and

Further amend said bill, Page 3, Section 311.097, Line 36, by deleting the word "8:00" and inserting in lieu thereof the word "10:00"; and

Further amend said bill, Page 3, Section 311.098, Line 5, by deleting the brackets around "11:00" and deleting the word "9:00"; and

Further amend said bill, Page 3, Section 311.098, Line 22, by deleting the brackets around "11:00" and deleting the word "9:00"; and

Further amend said bill, Page 4, Section 311.102, Line 6, by deleting the brackets around "11:00" and deleting the word "9:00"; and

Further amend said bill, Page 4, Section 311.102, Line 21, by inserting thereafter the following:

"311.176. 1. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises in a city not located within a county, may apply to the supervisor of liquor control for a special permit to remain open on each day of the week until 3:00 a.m. of the morning of the following day. The time of opening on Sunday may be [8:00] 11:00 a.m. The provisions of this section and not those of section 311.097 regarding the time of closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the premises on Sunday. To qualify for such a permit, the premises of such an applicant must be located in an area which has been designated as a convention trade area by the governing body of the city and the applicant must meet at least one of the following conditions:

(1) The business establishment's annual gross sales for the year immediately preceding the application for extended hours equals one hundred fifty thousand dollars or more; or

(2) The business is a resort. For purposes of this section, a "resort" is defined as any establishment having at least sixty rooms for the overnight accommodation of transient guests and having a restaurant located on the premises.

2. An applicant granted a special permit pursuant to this section shall, in addition to all other fees required by this chapter, pay an additional fee of three hundred dollars a year payable at the time and in the same manner as its other license fees."; and

Further amend said bill, Page 6, Section 311.200, Line 25, by deleting the word "9:00" and inserting the word "11:00" in lieu thereof; and

Further amend said bill, Page 8, Section 311.293, Line 6, by deleting the brackets around "11:00" and deleting the word "9:00"; and

Further amend said bill, Page 8, Section 311.293, Line 12, by deleting the brackets around "11:00" and deleting the word "9:00"; and

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

**HCS SS SCS SB 298, as amended, with House Substitute Amendment No. 1 for House Amendment No. 9 and House Amendment No. 9, pending, was laid over.**

Representative Kelly (144) assumed the Chair.

### 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 HB 57**, entitled:

An act to repeal sections 137.115, 137.155, and 137.360, RSMo, and to enact in lieu thereof three new sections relating to personal property lists.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HBs 59 & 269**, entitled:

An act to amend chapters 192, 630 and 633, RSMo, by adding thereto five new sections relating to implementation of special health care programs.

With Senate Amendment No. 1.

#### *Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill Nos. 59 & 269, Page 2, Section 192.350, Line 18, by striking the word "or" and inserting in lieu thereof the word "**and**"; and

Further amend line 22, by striking the word "is" and inserting in lieu thereof the word "**are**"; and

Further amend said bill, Page 3, Section 192.352, Line 5, by inserting immediately after the word "services" the following: "**with existing resources**"; and

Further amend line 7, by striking the words "with existing resources"; and

Further amend said bill, Page 4, Section 192.355, Line 33, by striking the word "of" and inserting in lieu thereof the word "**for**".

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 60**, entitled:

An act to repeal section 139.031, RSMo, and to enact in lieu thereof one new section relating to refunds of tax payments mistakenly or erroneously made.

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 **HB 75**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 93**.

Emergency clause adopted.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 97**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 99**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 131**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 133**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 141**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HBs 152 & 180**, entitled:

An act to repeal sections 86.251, 86.370, 86.393, 86.398, 86.407, 86.447, 86.600, 86.671, 86.690, 86.720, 86.745, and 169.712, RSMo, and to enact in lieu thereof twenty-one new sections relating to public employee retirement.

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 **HB 162**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 166**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 181**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 187**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 199**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 202**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 244**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 245**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 247**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 249**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 253**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 254**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 261**, entitled:

An act to amend chapter 227, RSMo, by adding thereto one new section relating to designation of a state entity.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND House Bill No. 261, Page 1, Section 227.335, Line 2, by deleting all of said line, and insert in lieu thereof the following:

**“Missouri-Iowa border south to the Missouri-Arkansas border, except where otherwise designated, shall be designated as the”.**

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 **HCS HB 277**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 278**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 292**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 314**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 318**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 326**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 332**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HBs 348 & 347**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 351**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 356**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 358**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 371**, entitled:

An act to repeal sections 302.700, 307.177 and 307.400, RSMo, and to enact in lieu thereof three new sections relating to commercial motor vehicles, 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 **HB 375**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 376**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 388**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 392**, entitled:

An act to amend chapter 407, RSMo, by adding thereto one new section relating to motorcycle and all-terrain vehicle franchises.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Committee Substitute for House Bill No. 392, Page 1, Section 407.1035, Line 16, by striking the word "twenty-five" and inserting in lieu thereof the word "**twenty**".

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 **HCS HB 394**, entitled:

An act to amend chapter 194, RSMo, by adding thereto one new section relating to the designation of next-of-kin for deceased persons.

With Senate Committee Amendment No. 1.

*Senate Committee Amendment No. 1*

AMEND House Committee Substitute for House Bill No. 394, Page 2, Section 194.119, Line 16, by striking all of said line and inserting in lieu thereof the following:

**"serve as next-of-kin shall serve in the order provided in subdivisions (3) to (8) of this subsection;"**.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 427**, entitled:

An act to amend chapters 477 and 488, RSMo, by adding thereto two new sections relating to the basic civil legal services fund.

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 **HB 430**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 440**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 463**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 464**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 465**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HCS HB 472**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 477**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 478**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 491**, entitled:

An act to repeal sections 301.069, 301.130, and 301.142, RSMo, and to enact in lieu thereof three new sections relating to license plates, with penalty provisions and an effective date for certain sections.

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 **HCS HB 493**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 512**, entitled:

An act to repeal sections 415.405, 415.410, 415.415, and 415.420, RSMo, and to enact in lieu thereof four new sections relating to warehouse and self-service storage facilities.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 521**, entitled:

An act to repeal section 320.094, RSMo, and to enact in lieu thereof one new section relating to the Missouri Fire Education Trust Fund.

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 **HB 523**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HB 552**, entitled:

An act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to law library funds.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 553**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 574**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HCS HB 575**, entitled:

An act to repeal section 210.001, RSMo, and to enact in lieu thereof one new section relating to child assessment centers.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 594**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 597**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 599**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 448**, and requests the House to recede from its position and failing to do so, grant the Senate a conference thereon.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 394, as amended**, and requests the House to recede from its position and failing to do so, grant the Senate a conference thereon.

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

### **AFTERNOON SESSION**

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

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Nicole Samdumu, Brittnee Lane, Aaron Lovett and Brittaney Williams.

### **HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED**

House Resolution No. 2314 - Representative Pearce  
House Resolution No. 2315  
through  
House Resolution No. 2319 - Representative Abel

House Resolution No. 2320  
through  
House Resolution No. 2323 - Representative Willoughby  
House Resolution No. 2324  
through  
House Resolution No. 2326 - Representative Zweifel  
House Resolution No. 2327  
through  
House Resolution No. 2335 - Representative Crowell  
House Resolution No. 2336 - Representative Luetkemeyer  
House Resolution No. 2337  
and  
House Resolution No. 2338 - Representative Seigfreid  
House Resolution No. 2339  
and  
House Resolution No. 2340 - Representative Bough  
House Resolution No. 2341  
and  
House Resolution No. 2342 - Representative Viebrock

#### **BILLS CARRYING REQUEST MESSAGES**

**HS SCS SBs 299 & 40, as amended**, relating to performance-based budgeting, was taken up by Representative Bearden.

Representative Bearden moved that the House refuse to recede from its position on **HS SCS SBs 299 & 40, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HCS SB 401**, relating to the definition of crime, was taken up by Representative Pratt.

Representative Pratt moved that the House refuse to recede from its position on **HCS SB 401** and grant the Senate a conference.

Which motion was adopted.

**HCS SB 407**, relating to cancer screenings, was taken up by Representative Luetkemeyer.

Representative Luetkemeyer moved that the House refuse to recede from its position on **HCS SB 407** and grant the Senate a conference.

Which motion was adopted.

**HCS SB 552**, relating to retirement and profit-sharing exemptions, was taken up by Representative Byrd.

Representative Byrd moved that the House refuse to recede from its position on **HCS SB 552** and grant the Senate a conference.

Which motion was adopted.

### **APPOINTMENT OF CONFERENCE COMMITTEES**

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

**HS SCS SBs 299 & 40:** Representatives Bearden, Lager, Holand, Campbell and Lowe

**HCS SB 401:** Representatives Byrd, Pratt, Lipke, Jolly and Bringer

**HCS SB 407:** Representatives Luetkemeyer, Parker, Richard, Ward and Liese

**HCS SB 552:** Representatives Byrd, Smith (118), Ruestman, Haywood and Donnelly

### **MESSAGES FROM THE SENATE**

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SB 407**: Senators Klindt, Loudon, Scott, Kennedy and Stoll.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS#2 SB 52**, and requests the House to recede from its position and failing to do so grant the Senate a conference thereon.

### **THIRD READING OF SENATE BILLS**

**HCS SS SS SCS SBs 556 & 311**, relating to protection of the elderly, was taken up by Representative Sutherland.

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

#### *House Amendment No. 1*

AMEND House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 & 311, Pages 23 and 24, Section 208.225, Lines 1 to 37, by deleting all of said lines; and

Further amend said bill, Pages 49 and 50, Section B, Lines 1 to 6, by striking said Section from the bill; and

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

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

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

*House Amendment No. 2*

AMEND House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 556 & 311, Page 2, Section 197.500, Lines 7 and 8, by deleting all of said lines and inserting in lieu thereof the following:

**"RSMo. For purposes of this section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section. A person acts "knowingly" with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.";** and

Further amend said bill, Page 9, Section 198.036, Line 18, by inserting after the words "**convicted of**" the following: "**, or pled guilty or nolo contendere to**"; and

Further amend said bill, Pages 12 and 13, Section 198.067, Lines 91 and 92, by deleting all of said lines and inserting in lieu thereof the following:

"licensed to the facility, up to a maximum of ten thousand dollars pursuant to subsections 1 and 2 of this section. The liability of the facility for civil penalties pursuant to this"; and

Further amend said bill, Page 15, Section 198.070, Lines 77 and 78, by deleting all of said lines and inserting in lieu thereof the following:

**"purposes of this section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section. A person acts "knowingly" with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.";** and

Further amend said bill, Pages 16 and 17, Section 198.085, Lines 1 to 9, by deleting all of said lines; and

Further amend said bill, Page 17, Section 198.086, Line 1, by deleting the words "division of aging" and inserting in lieu thereof the following: "[division of aging] **department of health and senior services**"; and

Further amend said bill, Pages 18 and 19, Section 198.093, Lines 1 to 36, by deleting all of said lines; and

Further amend said bill, Page 30, Section 630.167, Line 42, by inserting the word "**of**" after the word "copies"; and

Further amend said bill, Page 32, Section 630.167, Line 86, by deleting the number "6042" and inserting in lieu thereof the following: "**[6042] Sections 15042 to 15044**"; and

Further amend said bill, Page 33, Section 660.078, Line 5, by deleting the words "division of aging" and inserting in lieu thereof the following: "[division of aging]"; and

Further amend said bill, Page 38, Section 660.300, Lines 94 to 96, by deleting all of said lines and inserting in lieu thereof the following:

**"in-home services provider agency or home health agency. For purposes of this section only, "knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section. A person acts "knowingly" with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards a substantial and unjustifiable risk**

**that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation. Any in-home services provider agency or home health agency that"; and**

Further amend said bill, Page 47, Section 660.603, Lines 6 and 7, by deleting all of said lines and inserting in lieu thereof the following:

"2. The office shall be administered by the state ombudsman, who shall devote his **or her** entire time to the duties of his **or her** position."; and

Further amend said bill, Page 49, Section 660.603, Line 50, by inserting after the word "**rule**" the following: "**in accordance with chapter 536, RSMo,**"; and

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

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

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

*House Amendment No. 3*

AMEND House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 556 & 311, Pages 5 and 6, Section 198.015, Lines 1 to 53, by deleting all of said lines and inserting in lieu thereof the following:

"198.015. 1. No person shall establish, conduct or maintain a residential care facility I, residential care facility II, intermediate care facility, or skilled nursing facility in this state without a valid license issued by the department. Any person violating this subsection is guilty of a class A misdemeanor. **Any person violating this subsection wherein abuse or neglect of a resident of the facility has occurred is guilty of a class D felony. The department of health and senior services shall investigate any complaint concerning operating unlicensed facilities. For complaints alleging abuse or neglect, the department shall initiate an investigation within twenty-four hours. All other complaints regarding unlicensed facilities shall be investigated within forty-five days.**

**2. If the department determines the unlicensed facility is in violation of sections 198.006 to 198.186, the department shall immediately notify the local prosecuting attorney or attorney general's office.**

3. Each license shall be issued only for the premises and persons named in the application. A license, unless sooner revoked, shall be issued for a period of up to two years, in order to coordinate licensure with certification in accordance with section 198.045.

[3.] 4. If during the period in which a license is in effect, a licensed operator which is a partnership, limited partnership, or corporation undergoes any of the following changes, or a new corporation, partnership, limited partnership or other entity assumes operation of a facility whether by one or by more than one action, the current operator shall notify the department of the intent to change operators and the succeeding operator shall within ten working days of such change apply for a new license:

(1) With respect to a partnership, a change in the majority interest of general partners;

(2) With respect to a limited partnership, a change in the general partner or in the majority interest of limited partners;

(3) With respect to a corporation, a change in the persons who own, hold or have the power to vote the majority of any class of securities issued by the corporation.

[4.] 5. Licenses shall be posted in a conspicuous place on the licensed premises.

[5.] 6. Any license granted shall state the maximum resident capacity for which granted, the person or persons to whom granted, the date, the expiration date, and such additional information and special limitations as the department by rule may require.

[6.] 7. The department shall notify the operator at least sixty days prior to the expiration of an existing license of the date that the license application is due. Application for a license shall be made to the department at least thirty days prior to the expiration of any existing license.

[7.] **8.** The department shall grant an operator a temporary operating permit in order to allow for state review of the application and inspection for the purposes of relicensure if the application review and inspection process has not been completed prior to the expiration of a license and the operator is not at fault for the failure to complete the application review and inspection process.

[8.] **9.** The department shall grant an operator a temporary operating permit of sufficient duration to allow the department to evaluate any application for a license submitted as a result of any change of operator."; and

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

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

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

*House Amendment No. 4*

AMEND House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 556 & 311, Page 35, Section 660.261, Line 4, by inserting immediately after said line the following:

**“660.264. 1. A statement made by a person sixty years of age or older, or an adult with a disability, as defined in section 660.053, to and investigator for the department of health and senior services or to a member of law enforcement as defined by section 43.010, RSMo, relating to an offense, crime, or violation pursuant to sections 198.003 to 198.090, RSMo, sections 198.096 to 198.186, RSMo, section 660.050 and sections 660.250 to 660.320, not otherwise admissible by statute or court rule, is only admissible in evidence in administrative or civil actions brought by the department as substantive evidence to prove the truth of the matter asserted if:**

**(1) Such statement is recorded on videotape;**

**(2) The court finds, in a hearing conducted outside the presence of the jury that the time, content, and circumstances of the statement provide sufficient indicia of reliability and the affiant was competent at the time the statement was given;**

**(3) (a) The person testifies at the proceedings;**

**(b) The person is deceased; or**

**(c) The court determines that, due to the person’s physical or mental condition, the person is incompetent to testify at the time of the civil, or administrative proceeding.**

**2. Notwithstanding subsection 1 of this section or any provision of law or rule of evidence requiring corroboration of statements, admissions, or confessions of the defendant, and notwithstanding any prohibition of hearsay evidence, a statement by a person sixty years of age or older, or an adult with a disability, as defined in section 660.053, is sufficient corroboration of a statement, admission, or confession.**

**3. A statement shall not be admitted pursuant to this section unless a representative of the department of health and senior services makes known to the accused or his or her counsel of the intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the accused or his or her counsel with a fair opportunity to prepare to meet the statement.**

**4. Nothing in this section shall be construed to limit the admissibility of statements, admissions, or confessions otherwise admissible by law.”; and**

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

Representative Jolly moved that **House Amendment No. 4** be adopted.

Which motion was defeated.

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

*House Amendment No. 5*

AMEND House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 556 & 311, Pages 38 and 39, Section 660.300, Lines 100 to 129, by deleting all of said lines; and

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

Representative Holand moved that **House Amendment No. 5** be adopted.

Which motion was defeated.

Representative Johnson (90) offered **House Amendment No. 6**.

Representative Goodman raised a point of order that **House Amendment No. 6** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

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

*House Amendment No. 7*

AMEND House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 556 & 311, Page 12, Section 198.067, Line 72, by inserting after the word “**facilities.**” the following:

**“Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.”.**

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

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

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

The Chair ruled the point of order well taken.

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

*House Amendment No. 9*

AMEND House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 556 & 311, Page 7, Section 198.027, Lines 1-3, by deleting all of said section and inserting in lieu thereof the following:

“198.027. If a facility submits satisfactory documentation that establishes correction of all deficiencies contained within the written report of deficiency required by section 198.026, an on-site revisit of such deficiency may not be required so long as none of the deficiencies cited are of class 1 standards.”.

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

Which motion was defeated.

On motion of Representative Sutherland, **HCS SS SS SCS SBs 556 & 311, as amended,** was adopted.

On motion of Representative Sutherland, **HCS SS SS SCS SBs 556 & 311, as amended,** was read the third time and passed by the following vote:

AYES: 156

Abel	Angst	Avery	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	Deeken	Dempsey
Dethrow	Dixon	Donnelly	Dougherty	Dusenberg
El-Amin	Emery	Engler	Ervin	Fares
Fraser	George	Goodman	Green	Guest
Hampton	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	Lembke	LeVota	Liese	Lipke
Lowe	Luetkemeyer	Marsh	May	Mayer
Meiners	Merideth	Miller	Moore	Morris
Muckler	Munzlinger	Myers	Nieves	Page
Parker	Pearce	Phillips	Portwood	Pratt
Purgason	Quinn	Ransdall	Rector	Reinhart
Richard	Roark	Ruestman	Rupp	Sager
Salva	Sander	Schaaf	Schlottach	Schneider
Schoemehl	Seigfreid	Self	Shoemaker	Shoemyer
Skaggs	Smith 118	Smith 14	Spreng	St. Onge
Stefanick	Stevenson	Sutherland	Taylor	Thompson
Threlkeld	Townley	Viebrock	Villa	Vogt
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: 001

Selby

PRESENT: 000

ABSENT WITH LEAVE: 006

Adams                      Davis 19                      Graham                      Lawson                      McKenna  
Wagner

Speaker Hanaway declared the bill passed.

**HCS SS SCS SB 298, as amended, with House Substitute Amendment No. 1 for House Amendment No. 9 and House Amendment No. 9, pending**, relating to liquor sales, was again taken up by Representative Johnson (47).

**House Substitute Amendment No. 1 for House Amendment No. 9** was withdrawn.

Representative Cooper (120) assumed the Chair.

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

Which motion was defeated by the following vote:

AYES: 055

Baker	Bean	Bearden	Bishop	Bivins
Black	Bough	Bringer	Brooks	Cooper 155
Crawford	Cunningham 145	Cunningham 86	Davis 122	Deeken
Dethrow	Dixon	El-Amin	Emery	Ervin
Harris 110	Henke	Holand	Ice	Jackson
Jolly	Kelly 144	Kelly 36	Kuessner	Lembke
May	Mayer	Merideth	Miller	Morris
Munzlinger	Myers	Phillips	Portwood	Purgason
Rector	Reinhart	Roark	Rupp	Sander
Schaaf	Self	Shoemyer	Skaggs	Stevenson
Whorton	Wilson 119	Wilson 130	Wood	Wright

NOES: 091

Abel	Angst	Avery	Barnitz	Behnen
Bland	Boykins	Burnett	Byrd	Carnahan
Cooper 120	Corcoran	Crowell	Curls	Darrough
Daus	Dempsey	Donnelly	Dougherty	Dusenberg
Engler	Fares	Fraser	George	Goodman
Green	Guest	Hampton	Harris 23	Haywood
Hilgemann	Hobbs	Hoskins	Hubbard	Hunter
Jetton	Johnson 47	Johnson 61	Johnson 90	Jones
King	Kingery	Kratky	Lager	LeVota
Liese	Lipke	Lowe	Luetkemeyer	Meiners
Moore	Muckler	Nieves	Page	Parker
Pearce	Pratt	Quinn	Ransdall	Richard
Ruestman	Sager	Salva	Schlottach	Schneider
Schoemehl	Seigfreid	Selby	Smith 118	Smith 14
Spreng	St. Onge	Stefanick	Thompson	Threlkeld
Villa	Vogt	Walker	Walsh	Walton
Ward	Wildberger	Willoughby	Wilson 25	Wilson 42
Witte	Yaeger	Yates	Young	Zweifel

Madam Speaker

PRESENT: 007

Bruns	Marsh	Shoemaker	Taylor	Viebrock
Wallace	Wasson			

ABSENT WITH LEAVE: 010

Adams	Brown	Campbell	Davis 19	Graham
Lawson	McKenna	Sutherland	Townley	Wagner

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

*House Amendment No. 10*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 12, Section 1, Line 36, by inserting after all of said line the following:

**"Section 2. Any establishment possessing or qualifying for a license to sell intoxicating liquor by the drink at retail in any city not within a county, any home rule city with more than four hundred thousand inhabitants and located in more than one county and if such establishment is also located in a resort area, convention trade area, or enterprise zone area, the establishment may apply for a Sunday by the drink license between the hours of 9:00 a.m. and midnight on Sunday. Food sales shall not be a requirement for receiving a license pursuant to this section. The business establishment's annual gross receipts for the year immediately preceding the application for the Sunday by the drink license shall not have been less than one hundred fifty thousand dollars. Any new licensee possessing a license to sell intoxicating liquor by the drink at retail may apply for a temporary Sunday by the drink license and shall show a projection of annual gross receipts of not less than one hundred fifty thousand dollars. The license fee for such Sunday by the drink license shall be six hundred dollars per year. The license fee shall be prorated for the period of the license based on the cost of the annual license for the establishment.";** and

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

On motion of Representative Carnahan, **House Amendment No. 10** was adopted.

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

*House Amendment No. 11*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 7, Section 3 11.280, Line 6-12, by deleting all of said lines.

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

Which motion was defeated by the following vote:

AYES: 063

Barnitz	Bringer	Bruns	Burnett	Campbell
Cooper 120	Curls	Darrough	Davis 122	Donnelly
Dougherty	Emery	Fraser	George	Goodman
Guest	Hampton	Harris 110	Haywood	Hobbs
Hoskins	Hubbard	Hunter	Jackson	Jolly
Jones	Kelly 144	Kratky	Kuessner	Liese

Lowe	May	Meiners	Merideth	Moore
Muckler	Myers	Page	Phillips	Quinn
Ransdall	Rector	Reinhart	Richard	Rupp
Seigfreid	Spreng	Stevenson	Thompson	Townley
Vogt	Walker	Wallace	Walsh	Walton
Wasson	Wilson 119	Wilson 130	Wilson 25	Wilson 42
Witte	Yaeger	Young		

NOES: 093

Abel	Angst	Avery	Baker	Bean
Bearden	Behnen	Bishop	Bivins	Black
Bland	Bough	Brooks	Byrd	Carnahan
Cooper 155	Corcoran	Crawford	Crowell	Cunningham 145
Cunningham 86	Daus	Deeken	Dempsey	Dethrow
Dixon	Dusenberg	El-Amin	Engler	Ervin
Fares	Green	Harris 23	Henke	Hilgemann
Holand	Iceet	Jetton	Johnson 47	Johnson 61
Johnson 90	Kelly 36	King	Kingery	Lager
Lembke	LeVota	Lipke	Luetkemeyer	Marsh
Mayer	McKenna	Miller	Morris	Munzlinger
Nieves	Parker	Pearce	Portwood	Pratt
Purgason	Roark	Ruestman	Sager	Salva
Sander	Schaaf	Schlottach	Schneider	Schoemehl
Selby	Self	Shoemaker	Shoemyer	Skaggs
Smith 118	Smith 14	St. Onge	Stefanick	Sutherland
Taylor	Threlkeld	Viebrock	Villa	Ward
Whorton	Wildberger	Willoughby	Wood	Wright
Yates	Zweifel	Madam Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 007

Adams	Boykins	Brown	Davis 19	Graham
Lawson	Wagner			

**Representative Barnitz offered House Amendment No. 12.**

*House Amendment No. 12*

AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 8, Section 311.293, Line 15, by inserting after said line the following:

**“311.310. 1. It shall be unlawful for any employee of** any licensee under this chapter, or his **or her** employee, [who shall] **to** sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, [and] **or for** any person [whomsoever except his parent or guardian who shall] **to** procure for, sell, give away or otherwise supply intoxicating liquor to [any person under the age of twenty-one years, or to] any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard [, shall be deemed guilty of a misdemeanor, except that this section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one years for medical purposes only, or to the administering of such intoxicating liquor to any person by a duly licensed physician]. No person shall be denied a license or renewal of a license issued under this chapter solely due to a conviction for unlawful sale or supply to a minor when serving in the capacity as an employee of a licensed establishment.

**2. It shall be unlawful for any person to procure for, sell, give away intoxicating liquor to any person under the age of twenty-one years.**

3. The provisions of subsections 1 and 2 of this section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one years for medical purposes only, or to the administering of such intoxicating liquor to any person by a duly licensed physician.

4. The provisions of subsections 1 and 2 of this section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one years if the liquor was supplied for use as part of a religious ceremony or as part of the practice of religious beliefs.

5. Any person who violates the provisions of subsection 1 of this section shall be guilty of a class B misdemeanor. Any person who violates the provisions of subsection 2 of this section shall be guilty of a class B misdemeanor unless, as a direct result of the consumption of such intoxicating liquor by the minor to whom it was supplied, or the consumption of such intoxicating liquor by any minor who subsequently obtains it, any person suffers serious physical injury or death, in which case such person shall be guilty of a class D felony.”; and

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

Representative Johnson (90) offered **House Substitute Amendment No. 1 for House Amendment No. 12.**

Representative Johnson (47) raised a point of order that **House Substitute Amendment No. 1 for House Amendment No. 12** goes beyond the scope of the bill.

Representative Cooper (120) requested a parliamentary ruling.

The Parliamentary Committee ruled the point of order well taken.

**House Amendment No. 12** was withdrawn.

On motion of Representative Johnson (47), **HCS SS SCS SB 298, as amended**, was adopted.

On motion of Representative Johnson (47), **HCS SS SCS SB 298, as amended**, was read the third time and passed by the following vote:

AYES: 096

Abel	Angst	Avery	Barnitz	Bearden
Behnen	Bivins	Bland	Boykins	Brown
Bruns	Burnett	Byrd	Campbell	Carnahan
Cooper 120	Corcoran	Crowell	Curls	Darrough
Daus	Dempsey	Donnelly	Dusenberg	Engler
Fares	Fraser	George	Goodman	Green
Guest	Hampton	Harris 23	Haywood	Henke
Hilgemann	Hobbs	Hoskins	Hubbard	Jetton
Johnson 47	Johnson 61	Johnson 90	Jolly	Jones
King	Kingery	Kratky	Lager	LeVota
Liese	Lipke	Luetkemeyer	Mayer	McKenna
Meiners	Muckler	Nieves	Page	Parker
Pratt	Ransdall	Richard	Sager	Salva
Schaaf	Schlottach	Schneider	Schoemehl	Shoemyer
Smith 118	Smith 14	Spreng	St. Onge	Stefanick
Sutherland	Thompson	Threlkeld	Villa	Vogt
Wallace	Walsh	Walton	Ward	Wasson
Wildberger	Willoughby	Wilson 25	Wilson 42	Witte
Wright	Yaeger	Yates	Young	Zweifel
Madam Speaker				

NOES: 054

Baker	Bean	Bishop	Black	Bough
Bringer	Cooper 155	Crawford	Cunningham 145	Davis 122
Deeken	Dethrow	Dixon	Dougherty	El-Amin
Emery	Ervin	Harris 110	Holand	Hunter
Icet	Jackson	Kelly 144	Kuessner	Lembke
May	Merideth	Miller	Moore	Morris
Munzlinger	Myers	Pearce	Phillips	Portwood
Purgason	Quinn	Rector	Reinhart	Roark
Ruestman	Rupp	Sander	Seigfreid	Selby
Self	Shoemaker	Skaggs	Stevenson	Townley
Whorton	Wilson 119	Wilson 130	Wood	

PRESENT: 008

Brooks	Cunningham 86	Kelly 36	Lowe	Marsh
Taylor	Viebrock	Walker		

ABSENT WITH LEAVE: 005

Adams	Davis 19	Graham	Lawson	Wagner
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### PERFECTION OF HOUSE BILL

**HCS HB 455**, relating to health insurance, was taken up by Representative Thompson.

Representative Thompson offered **HS HCS HB 455**.

On motion of Representative Thompson, **HS HCS HB 455** was adopted by the following vote:

AYES: 135

Abel	Avery	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Bivins	Black
Bland	Bough	Boykins	Bringer	Brooks
Brown	Bruns	Burnett	Campbell	Carnahan
Cooper 120	Cooper 155	Corcoran	Crawford	Crowell
Cunningham 145	Cunningham 86	Curls	Darrough	Daus
Davis 122	Dempsey	Dixon	Donnelly	Dougherty
Dusenberg	El-Amin	Engler	Ervin	Fares
Fraser	George	Goodman	Green	Guest
Hampton	Harris 110	Harris 23	Haywood	Henke
Hilgemann	Hobbs	Holand	Hoskins	Hubbard
Jetton	Johnson 47	Johnson 61	Johnson 90	Jolly
Jones	Kelly 36	King	Kingery	Kratky
Kuessner	Lager	Lembke	LeVota	Liese
Lipke	Lowe	Marsh	May	Mayer
McKenna	Meiners	Merideth	Miller	Moore
Muckler	Myers	Page	Parker	Pearce
Phillips	Portwood	Pratt	Quinn	Ransdall
Reinhart	Richard	Roark	Ruestman	Sager
Salva	Schaaf	Schlottach	Schneider	Schoemehl
Seigfreid	Selby	Self	Shoemyer	Skaggs
Smith 14	Spreng	St. Onge	Stefanick	Stevenson

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Sutherland	Taylor	Thompson	Townley	Villa
Vogt	Walker	Wallace	Walsh	Walton
Ward	Whorton	Wildberger	Willoughby	Wilson 119
Wilson 130	Wilson 25	Wilson 42	Witte	Wood
Wright	Yaeger	Young	Zweifel	Madam Speaker

NOES: 018

Angst	Deeken	Emery	Hunter	Icet
Jackson	Kelly 144	Luetkemeyer	Morris	Munzlinger
Nieves	Purgason	Rector	Rupp	Sander
Viebrock	Wasson	Yates		

PRESENT: 000

ABSENT WITH LEAVE: 010

Adams	Byrd	Davis 19	Dethrow	Graham
Lawson	Shoemaker	Smith 118	Threlkeld	Wagner

On motion of Representative Thompson, **HS HCS HB 455** was ordered perfected and printed by the following vote:

AYES: 135

Abel	Avery	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	Dempsey	Dixon	Donnelly
Dougherty	Dusenberg	El-Amin	Engler	Ervin
Fares	Fraser	George	Goodman	Green
Guest	Hampton	Harris 110	Harris 23	Haywood
Henke	Hilgemann	Hobbs	Holand	Hoskins
Hubbard	Jackson	Jetton	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kelly 36	King
Kingery	Kratky	Kuessner	Lager	Lembke
LeVota	Liese	Lipke	Lowe	Marsh
May	Mayer	McKenna	Meiners	Merideth
Miller	Moore	Muckler	Myers	Page
Parker	Pearce	Phillips	Portwood	Pratt
Quinn	Ransdall	Reinhart	Roark	Ruestman
Sager	Salva	Schaaf	Schlottach	Schneider
Schoemehl	Seigfreid	Selby	Self	Shoemaker
Skaggs	Smith 14	Spreng	St. Onge	Stefanick
Stevenson	Sutherland	Taylor	Thompson	Threlkeld
Villa	Vogt	Walker	Wallace	Walsh
Walton	Ward	Whorton	Wildberger	Willoughby
Wilson 130	Wilson 25	Wilson 42	Witte	Wood
Wright	Yaeger	Young	Zweifel	Madam Speaker

NOES: 020

Angst	Deeken	Dethrow	Emery	Hunter
Icet	Kelly 144	Luetkemeyer	Morris	Munzlinger

Nieves	Purgason	Rector	Richard	Rupp
Sander	Townley	Viebrock	Wilson 119	Yates

PRESENT: 000

ABSENT WITH LEAVE: 008

Adams	Davis 19	Graham	Lawson	Shoemyer
Smith 118	Wagner	Wasson		

Representative Cooper (120) declared the bill passed.

### **BILLS CARRYING REQUEST MESSAGES**

**HCS SB 448**, relating to the Statewide Court Automation Fund, was taken up by Representative Goodman.

Representative Goodman moved that the House refuse to recede from its position on **HCS SB 448** and grant the Senate a conference.

Which motion was adopted.

**HCS SB 394, as amended**, relating to business corporations and partnerships, was taken up by Representative Byrd.

Representative Byrd moved that the House refuse to recede from its position on **HCS SB 394, as amended**, and grant the Senate a conference.

Which motion was adopted.

**HCS SCS#2 SB 52**, relating to athletes and entertainers, was taken up by Representative Fares.

Representative Fares moved that the House refuse to recede from its position on **HCS SCS#2 SB 52** and grant the Senate a conference.

Which motion was adopted.

### **APPOINTMENT OF CONFERENCE COMMITTEES**

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

**HCS SB 448:** Representatives Byrd, Goodman, Crowell, Johnson (61) and Harris (23)

**HCS SB 394:** Representatives Byrd, Pratt, Lipke, Johnson (90) and Vogt

**HCS SCS#2 SB 52:** Representatives Fares, Cooper (120), Behnen, Zweifel and Fraser

## HOUSE BILL WITH SENATE AMENDMENTS

**SCS HCS HB 427**, relating to the Basic Civil Legal Services Fund, was taken up by Representative Byrd.

Representative Byrd moved that the House refuse to adopt **SCS HCS HB 427** and request the Senate to recede from its position or, failing to do so, grant the House a conference.

Which motion was adopted.

## COMMITTEE REPORT

**Committee on Budget**, Chairman Bearden reporting:

Madam Speaker: Your Committee on Budget, to which was referred **HB 18**, begs leave to report it has examined the same and recommends that the **House Committee Substitute Do Pass**.

Madam Speaker: Your Committee on Budget, to which was referred **HS HCS HBs 404, 324, 403, 344, 426 & 541**, begs leave to report it has been furnished an updated fiscal note and does not require fiscal review.

## MESSAGES FROM THE SENATE

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 3**.

### SENATE CONCURRENT RESOLUTION NO. 3

WHEREAS, Missouri law requires parental consent of at least one parent in order for a minor to obtain an abortion, unless excused by a court; and

WHEREAS, Illinois law contains no such parental consent requirement; and

WHEREAS, as a result, Missouri resident minors may cross the state border to Illinois to access abortion providers in order to avoid state law; and

WHEREAS, Illinois abortion providers advertise in Missouri phone books that "no parental consent (is required) in Illinois", and by so doing, actively encourage the breaking of Missouri law and violation of parental rights over the welfare of their daughters:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby implore the General Assembly of the State of Illinois either to enact a law to require parental consent prior to allowing a minor to obtain an abortion or, if no such law is enacted, that the State of Illinois recognize Missouri law requiring parental consent prior to allowing a minor to obtain an abortion; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to the Governor of Illinois, the President Pro Tempore of the Senate, and the Speaker of the House for the State of Illinois.

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 third read and passed **SCR 11**.

SENATE CONCURRENT RESOLUTION NO. 11

Relating to the creation of the comprehensive patient education and health care cost improvement pilot project.

WHEREAS, in order to continue to provide improved services to patients in this state, improving patient information regarding elective surgical procedures and their risks and complications is needed; and

WHEREAS, the lack of information regarding surgery, surgical risks, and post surgical complications contributes to patient dissatisfaction, over-utilization of the health care system, malpractice claims, and the rising cost of healthcare; and

WHEREAS, the Department of Health and Senior Services, in conjunction with the Department of Insurance and any teaching hospital under the control of public universities in the state shall evaluate the establishment of the "Comprehensive Patient Education and Healthcare Cost Improvement Pilot Program" which will develop and incorporate effective patient education programs into the preoperative consultation and informed consent process; and

WHEREAS, the Comprehensive Patient Education and Healthcare Cost Improvement Pilot Program shall be subject to appropriations and implemented no later than six months after funding for the pilot program is made available if the department, in its judgment, concludes such program is beneficial to the health care system of Missouri, and shall have a duration of three years; and

WHEREAS, the Comprehensive Patient Education and Healthcare Cost Improvement Pilot Program shall, prior to the patient consenting to elective surgery:

- (1) Use an educational system that visually explains to the patient in simple terms the entire surgical procedure;
- (2) Fully discloses to the patient in simple terms all known complications and their frequencies based on accepted medical literature;
- (3) Allows the patient access to the education outside the surgeon's office;
- (4) Fully documents the patient education process; and
- (5) Collects outcome data after surgery; and
- (6) Fully disclose to the patient the value of second opinions from financially disinterested parties;

WHEREAS, the Department of Health and Senior Services shall monitor the pilot program and report to the Director of the Department of Insurance and the General Assembly on the effectiveness of such program by the second week of the regular session of the General Assembly in the next session following completion of the Pilot Program; and

WHEREAS, the report shall include an analysis of the advantages and disadvantages of the patient education process, including but not limited to:

- (1) The effect of the Pilot Program on the reduction of medical malpractice claims;
- (2) Patient satisfaction concerning the education process;
- (3) Doctors' feedback concerning the Pilot Program;
- (4) Total number of surgical procedures performed;
- (5) A comparison of Medicaid dollars spent on relevant surgical procedures versus the previous year and projected year; and
- (6) Suggestions for improving the educational system or its implementation, if any:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby direct the Department of Health and Senior Services to create the "Comprehensive Patient Education and Healthcare Cost Improvement Pilot Program"; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to send this resolution to the Governor for his approval or rejection pursuant to the Missouri Constitution.

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 adopted **SCR 14**.

SENATE CONCURRENT RESOLUTION NO. 14

WHEREAS, the people of the state of Missouri view with growing concern the proliferation and buildup of nuclear, chemical and biological weapons of mass destruction and missile delivery systems for these weapons in the hands of hostile, or potentially hostile, and unstable foreign regimes; and

WHEREAS, the tragedy of September 11, 2002 shows that America is vulnerable to attack by foreign enemies; and

WHEREAS, North Korea has clearly established its intention to proceed with the further development of its offensive ballistic missiles and nuclear armaments, either as instruments of blackmail and extortion or for operational deployment, thereby contravening all previous nonproliferation agreements and understandings, with the effect of threatening the security of South Korea, Japan and the United States; and

WHEREAS, the people of the state of Missouri wish to affirm their support of the Government of the United States to take all action necessary to protect the people of America and future generations, including from attacks by missiles capable of causing mass destruction and loss of American lives:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, the House of Representatives concurring therein, hereby support the President of the United States to continue to take all actions necessary, directing the considerable scientific and technological capability of the great Union, to protect all fifty states and their people, our allies and our armed forces abroad from the threat of missile attack; and

BE IT FURTHER RESOLVED that the President of the United States and Congress be urged to consider that a nationwide, effective missile defense system will require the deployment of a robust, multi-layered architecture consisting of integrated land-based, sea-based and space-based capabilities to deter evolving future threats from missiles as weapons of mass destruction and to meet and destroy them when necessary; and

BE IT FURTHER RESOLVED that the President of the United States and Congress be urged to consider planning and funding a missile defense system beyond 2005 that would consolidate technological advancement and expansion from the limited applications currently planned; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, President of the United States Senate, Speaker of the United States House of Representatives and the members of the Missouri Congressional delegation.

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 adopted **SCR 16**.

SENATE CONCURRENT RESOLUTION NO. 16

WHEREAS, public education is the primary responsibility of the state after paying state debts, as provided pursuant to Article III, Section 36 of the Missouri Constitution; and

WHEREAS, the adequacy and equity of funding available to public schools has again become a serious concern across the state, highlighted by the wide range of available operating funding for Missouri school districts, which ranges from \$4,500 to over \$13,700 per pupil; and

WHEREAS, the cost to fully fund state school aid continues to increase significantly each year and requires funds which create hardships for other sectors of society needing access to state funds; and

WHEREAS, public education is labor intensive with roughly three-fourths of operating cost supporting salaries and benefits of staff, and most of those salaries being paid to certificated teachers; and

WHEREAS, the fiscal situation facing the state and the resulting budget problems limits the ability to fund all services including education, it is necessary to review the state's commitment to all present and future aspects of education funding; and

WHEREAS, the fiscal situation and problems facing this state are serious and likely to continue for the foreseeable future and because any major alternation rendered to the state's education funding formula will require some amount of increased appropriation in order to meet the required legal standards of equity and adequacy, the need to explore opportunities to increase general revenue resources that can be used for the funding of education is critical:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, the House of Representatives concurring therein, that a joint interim committee on education be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem and seven members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study concerning all issues relating to equity and adequacy of distribution of state school aid, teachers' salaries, funding for school buildings, and overall funding levels for schools and any other education-related issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninety-second General Assembly; and

BE IT FURTHER RESOLVED that said committee may solicit any input and information necessary to fulfill its obligations from the Missouri Department of Elementary and Secondary Education, the State Board of Education, the Department of Higher Education, the Coordinating Board for Higher Education, the State Tax Commission, all school districts and other political subdivisions of this state, teachers and teacher groups, business and other commercial interests and any other interested persons; and

BE IT FURTHER RESOLVED that House Research, the Committee on Legislative Research, and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

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 adopted **HCA 1 to SCS SB 4** and has taken up and passed **SCS SB 4, as amended**.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **HCS SCS SB 7** and has taken up and passed **HCS SCS SB 7**.

### **SUPPLEMENTAL CALENDAR**

**(April 29, 2003)**

#### **HOUSE BILL FOR PERFECTION - APPROPRIATIONS**

HCS HB 18 - Bearden

#### **ADJOURNMENT**

On motion of Representative Crowell, the House adjourned until 10:00 a.m., Wednesday, April 30, 2003.

#### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Sixtieth Day, Monday, April 28, 2003, Page 1338, Line 29, by inserting immediately after said line the following:

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS HS HB 4**, entitled:

An act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

With Senate Amendment No. 1.

*Senate Amendment No. 1*

AMEND Senate Committee Substitute for House Substitute for House Bill No. 4, Page 15, Section 4.325, Line 7, by deleting all of said line and inserting in lieu thereof the following,

"From State Transportation Fund.....150,000";  
and amend the section and bill totals accordingly.

In which the concurrence of the House is respectfully requested.



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State of Missouri            )  
                                      ) ss.  
County of Cole                )

Subscribed and sworn to before me this 29th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

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I, State Representative Jerry King, District 125, hereby state and affirm that my vote as recorded on Page 1327 of the House Journal for Monday, April 28, 2003 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 29th day of April 2003.

/s/ Jerry King  
State Representative

State of Missouri            )  
                                      ) ss.  
County of Cole                )

Subscribed and sworn to before me this 29th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

-----

I, State Representative Mike Sager, District 48, hereby state and affirm that my vote as recorded on Page 1327 of the House Journal for Monday, April 28, 2003 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 29th day of April 2003.

/s/ Mike Sager  
State Representative

State of Missouri            )  
                                      ) ss.  
County of Cole                )

Subscribed and sworn to before me this 29th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

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I, State Representative Mike Daus, District 67, hereby state and affirm that my vote as recorded on Page 1328 of the House Journal for Monday, April 28, 2003 showing that I voted absent with leave was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 29th day of April 2003.

/s/ Mike Daus  
State Representative

State of Missouri            )  
  ) ss.  
County of Cole                )

Subscribed and sworn to before me this 29th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

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I, State Representative John Burnett, District 40, hereby state and affirm that my vote as recorded on Page 1331 of the House Journal for Monday, April 28, 2003 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 29th day of April 2003.

/s/ John Burnett  
State Representative

State of Missouri            )  
  ) ss.  
County of Cole                )

Subscribed and sworn to before me this 29th day of April in the year 2003.

/s/ Stephen S. Davis  
Chief Clerk

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**COMMITTEE MEETINGS**

**ADMINISTRATION AND ACCOUNTS**

Thursday, May 1, 2003, 8:30 a.m. Hearing Room 1.  
Discussion on policy changes. Executive Session may follow.

**AGRICULTURE**

Thursday, May 1, 2003. Hearing Room 1 upon adjournment.  
Possible Executive Session.  
Public Hearing to be held on: HCR 26, SB 38

BUDGET

Wednesday, April 30, 2003, 8:00 a.m. Hearing Room 3.  
Public hearing, fiscal review and possible Executive Session.  
Other bills referred for fiscal review.  
Public Hearing to be held on: HB 698, HB 741, HB 745, HJR 26, SB 69,  
SB 243, SB 246, SB 556

BUDGET

Thursday, May 1, 2003, 8:00 a.m. Hearing Room 3.  
Public hearing, fiscal review and possible Executive Session.  
Other bills referred for fiscal review.  
Public Hearing to be held on: HB 698, HB 741, HB 745, HJR 26, SB 69,  
SB 243, SB 246, SB 556

COMMUNICATIONS, ENERGY AND TECHNOLOGY

Thursday, May 1, 2003. Side gallery upon adjournment.  
Public Hearing to be held on: SB 555

CONSERVATION AND NATURAL RESOURCES

Wednesday, April 30, 2003, 12:00 p.m. Hearing Room 5. AMENDED NOTICE  
Executive Session may follow.  
Public Hearing to be held on: HB 519, HB 535, HB 740, HCR 31

CORRECTIONS AND STATE INSTITUTIONS

Wednesday, April 30, 2003. Hearing Room 7 upon evening adjournment.  
Executive Session will follow.  
Public Hearing to be held on: HB 718, SCR 12

EDUCATION

Thursday, May 1, 2003, 9:00 a.m. Hearing Room 4.  
Possible Executive Session. Possible hearing on SCS SB 632 and 644.  
Public Hearing to be held on: HJR 1

HEALTH CARE POLICY

Wednesday, April 30, 2003, 6:00 p.m. Hearing Room 6.  
Executive Session may follow.  
Public Hearing to be held on: HB 690, HB 691, SB 73, SB 410

JOINT COMMITTEE ON PUBLIC EMPLOYEE RETIREMENT

Wednesday, April 30, 2003, 8:00 a.m. Hearing Room 1.  
Second quarter meeting.

**JUDICIARY**

Wednesday, April 30, 2003, 12:00 p.m. Hearing Room 1. AMENDED NOTICE  
Executive Session may follow on HBs 183, 203, 571, 573, 630, 619, 256 and SB 12.  
Public Hearing to be held on: HB 183, HB 203, HB 571, HB 573, HB 630, SB 12

**LOCAL GOVERNMENT**

Thursday, May 1, 2003, 8:30 a.m. Hearing Room 6.  
Executive Session may follow.  
Public Hearing to be held on: SB 199

**RETIREMENT**

Thursday, May 1, 2003, 8:30 a.m. Hearing Room 7. AMENDED NOTICE  
Executive Session may follow.  
Public Hearing to be held on: HB 649, HB 650, HCR 20, HCR 24, HCR 25

**RULES**

Thursday, May 1, 2003, 8:30 a.m. Hearing Room 5.  
Executive Session may follow.  
Public Hearing to be held on: HCR 23, HR 495, HR 1086, SCR 10

**SMALL BUSINESS**

Wednesday, April 30, 2003. Hearing Room 4 at noon or upon morning recess.  
Informational meeting.

**WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY**

Friday, May 30, 2003, 12:00 p.m. Hearing Room 3.  
Executive Session may follow.  
Public Hearing to be held on: SB 2

**HOUSE CALENDAR**

SIXTY-SECOND DAY, WEDNESDAY, APRIL 30, 2003

**HOUSE BILLS FOR PERFECTION - APPROPRIATIONS**

- 1 HCS HB 16 - Bearden
- 2 HCS HB 17 - Bearden
- 3 HCS HB 18 - Bearden
- 4 HCS HB 19 - Bearden
- 5 HCS HB 20 - Bearden

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 132, 173, 117 & 48 - Wright
- 2 HCS HB 215, 218, 115 & 83 - Myers

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- 3 HCS HB 190 & 214 - Fares
- 4 HCS HB 51 - Mayer
- 5 HCS HB 387 - Pearce
- 6 HCS HB 109 & 34 - Fares
- 7 HB 263 - Cooper (120)
- 8 HCS HB 468 - Byrd
- 9 HCS HB 233 - Holand
- 10 HB 471 - Jackson
- 11 HCS HB 47 - Portwood
- 12 HCS HB 507 - Hubbard
- 13 HB 293, HCA 1 - Johnson (47)
- 14 HCS HB 345 - Cunningham (86)
- 15 HCS HB 385 - Cunningham (86)
- 16 HCS HB 447 - Townley
- 17 HCS HB 640 - Walton
- 18 HB 618 - Yates

**HOUSE BILLS FOR PERFECTION - FEDERAL MANDATE**

- 1 HB 655 - Wilson (130)
- 2 HCS HB 702 - Schlottach

**HOUSE BILL FOR THIRD READING**

HS HCS HB 404, 324, 403, 344, 426 & 541 - Rector

**SENATE CONCURRENT RESOLUTION FOR SECOND READING**

SCR 11

**SENATE BILL FOR THIRD READING - CONSENT**

SB 214, HCA 1 - Byrd

**SENATE BILLS FOR THIRD READING**

- 1 SB 496 - Luetkemeyer
- 2 HCS SB 173 - Walton
- 3 SS#2 SCS SB 55 - Stevenson
- 4 HCS SS SCS SB 36, as amended, HA 4, pending - Myers
- 5 SS SB 34 - Pratt
- 6 HCS SS SCS SB 30 - Schneider
- 7 HCS SCS SB 84 - Munzlinger
- 8 HCS SCS SB 686, E.C. - Cunningham (86)
- 9 SCS#2 SB 1 - Luetkemeyer

- 10 SB 540 - Parker
- 11 HCS SB 521 - Byrd
- 12 HCS SCS SB 69, (Budget 4-28-03) - Baker
- 13 SS SB 13 - Byrd
- 14 HCS SCS SB 246, (Budget 4-28-03) - Rector
- 15 HCS SB 469 - Byrd

**SENATE BILL FOR THIRD READING - CONSENT - INFORMAL**

SCS SB 237 - Luetkemeyer

**HOUSE BILLS WITH SENATE AMENDMENTS**

- 1 SCS HS HB 1 - Bearden
- 2 SCS HS HB 2, as amended - Bearden
- 3 SCS HS HB 3, as amended - Bearden
- 4 SCS HS HB 4, as amended - Bearden
- 5 SCS HS HB 5, as amended - Bearden
- 6 SCS HS HB 6, as amended - Bearden
- 7 SCS HS HB 7 - Bearden
- 8 SCS HS HB 8, as amended - Bearden
- 9 SCS HS HB 9, as amended - Bearden
- 10 SCS HS HB 10, as amended - Bearden
- 11 SCS HS HB 11, as amended - Bearden
- 12 SCS HS HB 12, as amended - Bearden
- 13 SCS HCS HB 13 - Bearden
- 14 SCS HB 57 - Riback Wilson (25)
- 15 SCS HCS HB 59 & 269, as amended - Johnson (61)
- 16 SCS HB 60 - Sutherland
- 17 SCS HCS HB 152 & 180 - Johnson (47)
- 18 HB 261, SA 1 - Whorton
- 19 SCS HCS HB 371 - Dusenberg
- 20 SCS HCS HB 392, as amended - Avery
- 21 HCS HB 394, SCA 1 - Byrd
- 22 SCS HB 491 - Rupp
- 23 SCS HB 512 - Cooper (120)
- 24 SCS HB 521 - Dethrow
- 25 SCS HB 552 - Kingery
- 26 SCS HCS HB 575 - Dethrow

**BILL CARRYING REQUEST MESSAGES**

SCS HCS HB 427, (request senate recede/grant conference) - Byrd

**BILLS IN CONFERENCE**

- 1 HS SCS SB 299 & 40, as amended - Bearden
- 2 HCS SB 401 - Pratt
- 3 HCS SB 407 - Luetkemeyer
- 4 HCS SB 552 - Byrd
- 5 HCS SB 448 - Goodman
- 6 HCS SB 394, as amended - Byrd
- 7 HCS SCS#2 SB 52 - Fares

**HOUSE CONCURRENT RESOLUTIONS**

- 1 HCR 3, (4-23-03, Page 1238) - Townley
- 2 HCR 5, (4-23-03, Page 1239) - Townley
- 3 HCR 32, (4-28-03, Pages 1336-1337) - Miller