

JOURNAL OF THE HOUSE

First Regular Session, 91st GENERAL ASSEMBLY

THIRTIETH DAY, WEDNESDAY, FEBRUARY 21, 2001

Speaker Pro Tem Abel in the Chair.

Prayer by Reverend Rudy Beard.

Gracious God: This is the day that the Lord has made, help us to make good use of it. This day, we pray with countless others:

“Grant me the serenity to accept the things I cannot change, the courage to change the things I can, and the wisdom to know the difference.” (A prayer of Reinhold Niebuhr).

Bless this House and to You be glory and honor. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Tyler Johnson, Lauren Smith, Jennifer Barge, Mike Staat, April Beck, Terri Buchanan, Jenna Clark, Kyle Erwin, Melissa Goodale, Ashley Henson, Johnny Malchert, Terrell McCollough, Alicia Ray, Arron Simpson, Amanda Smith, Ryan Swafford, Heather Treadway, Sierra Wilcox, Nicole Young, Chad Bell, Shane Clack, Amy Darnell, Robert Gonzalez, Jessica Harris, Billy Leslie, Jessica Marshall, Jay Morris, George Roland, Andrea Sisco, Tara Sprous, Trisha Thomas, Justin Webster, Samantha Williams and Jacqueline Zoll.

The Journal of the twenty-ninth day was approved as corrected.

RESOLUTION

Representative Williams offered House Resolution No. 537.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 536 - Representative Kreider
House Resolution No. 538 - Representative Treadway
House Resolution No. 539 - Representatives Ross and Lograsso
House Resolution No. 540 - Representative Relford
House Resolution No. 541 - Representative Surface
House Resolution No. 542 - Representative Barnett
House Resolution No. 543 - Representative Murphy
House Resolution No. 544 - Representative Crawford

House Resolution No. 545 - Representative Crump
House Resolution No. 546
through
House Resolution No. 549 - Representative May (149)

SECOND READING OF HOUSE BILLS

HB 826 through **HB 842** were read the second time.

SECOND READING OF SENATE BILLS

SB 185, **SB 224** and **SB 275** were read the second time.

COMMITTEE REPORT

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

Mr. Speaker: Your Committee on Rules, Joint Rules and Bills Perfected and Printed, to which was referred **HJR 5**, **HB 575** and **HB 621**, begs leave to report it has examined the same and finds them to be truly perfected and that the printed copies thereof furnished the members are correct.

PERFECTION OF HOUSE BILL

HCS HB 567, as amended, with **House Amendment No. 2**, pending, relating to professional registration, was taken up by Representative Treadway.

House Amendment No. 2 was withdrawn.

Representative Johnson (61) offered **House Amendment No. 2**.

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 567, Page 53, Section 327.631, Line 47, by inserting after all of said line the following:

"329.010. As used in this chapter, unless the context clearly indicates otherwise, the following words and terms mean:

(1) "Apprentice" or "student", a person who is engaged in training within a cosmetology establishment or school, and while so training performs any of the practices of the classified occupations within this chapter under the immediate direction and supervision of a registered cosmetologist or instructor;

(2) "Board", the state board of cosmetology;

(3) "**Braider**", **any person who engages for compensation in the practice of cosmetology as defined in paragraph (b) of subdivision (5) of this section;**

(4) "Cosmetologist", any person who, for compensation, engages in the practice of cosmetology, as defined in subdivision [(4)] (5) of this section;

[(4)] (5) "Cosmetology" includes performing or offering to engage in any acts of the classified occupations of cosmetology for compensation, which shall include:

(a) "Class CH - hairdresser" includes arranging, dressing, curling, singeing, waving, permanent waving, cleansing, cutting, bleaching, tinting, coloring, **braiding, hair weaving, hair extensions, hair twisting, hair dreadlocking** or similar work upon the hair of any person by any means[; or removing superfluous hair from the body of any person by means other than electricity, or any other means of arching or tinting eyebrows or tinting eyelashes]. Class CH - hairdresser, also includes, any person who either with the person's hands or with mechanical or electrical apparatuses or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams engages for compensation in any one or any combination of the following: massaging, cleaning, stimulating, manipulating, exercising, beautifying or similar work[, upon the scalp[, face, neck, arms or bust];

(b) "**Class CB - braider**" includes arranging, shampooing, cutting, braiding, hair weaving, hair extensions, hair twisting, hair dreadlocking or other similar work upon the hair of any person;

(c) "Class MO - manicurist" includes cutting, trimming, polishing, coloring, tinting, cleaning or otherwise beautifying a person's fingernails, applying artificial fingernails, massaging, cleaning a person's hands and arms; pedicuring, which includes, cutting, trimming, polishing, coloring, tinting, cleaning or otherwise beautifying a person's toenails, applying artificial toenails, massaging and cleaning a person's legs and feet;

[(c)] (d) "Class CA - hairdressing and manicuring" includes all practices of cosmetology, as defined in paragraphs (a) [and], (b) **and** (c) of this subdivision;

[(d)] (e) "Class E - estheticians" includes the use of mechanical, electrical apparatuses or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, not to exceed ten percent phenol, engages for compensation, either directly or indirectly, in any one, or any combination, of the following practices: massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work upon the scalp, face, neck, ears, arms, hands, bust, torso, legs or feet and removing superfluous hair by means other than electric needle or any other means of arching or tinting eyebrows or tinting eyelashes, of any person;

[(5)] (6) "Cosmetology establishment", that part of any building wherein or whereupon any of the classified occupations are practiced;

[(6)] (7) "Hairdresser", any person who, for compensation, engages in the practice of cosmetology as defined in paragraph (a) of subdivision [(4)] (5) of this section;

[(7)] (8) "Instructor", any person who is licensed to teach cosmetology or any practices of cosmetology pursuant to this chapter;

[(8)] (9) "Manicurist", any person who, for compensation, engages in any or all of the practices in paragraph [(b)] (c) of subdivision [(4)] (5) of this section;

[(9)] (10) "School of cosmetology" or "school of manicuring", an establishment operated for the purpose of teaching cosmetology as defined in subdivision [(4)] (5) of this section."; and

Further amend said bill, Page 53, Section 329.040, Lines 1 to 133, by deleting all of said section and inserting in lieu thereof the following:

"329.040. 1. Any person of good moral character may make application to the board for a license to own a school of cosmetology on a form provided upon request by the board. Every school of cosmetology in which any of the classified occupations of cosmetology are taught shall be required to obtain a license from the board prior to opening. The license shall be issued upon approval of the application by the board, the payment of the required fees, and the applicant meets other requirements provided in this chapter. The license shall be kept posted in plain view within the school at all times.

2. A school license renewal fee shall be due on or before the renewal date of any school license issued pursuant to this section. If the school license renewal fee is not paid on or before the renewal date, a late fee shall be added to the regular school license fee.

3. No school of cosmetology shall be granted a license [under] **pursuant to** this chapter unless it:

(1) Employs and has present in the school a competent licensed instructor for every twenty-five students [enrolled and scheduled to be] in attendance for a given class period and one to ten additional students may be [enrolled and] in attendance with the assistance of an instructor trainee. One instructor is authorized to teach up to three instructor trainees immediately after being granted an instructor's license;

(2) Requires all students to be enrolled in a course of study of no less than three hours per day and no more than eight hours per day with a weekly total that is no less than fifteen hours and no more than forty-eight hours;

(3) Requires for the classified occupation of cosmetologist, the course of study shall be no less than one thousand five hundred hours or, for a student in public vocational/technical school no less than one thousand two

hundred twenty hours. The student must earn a minimum of one hundred and sixty hours of classroom training before the student may perform any of the acts of the classified occupation of cosmetology on any patron or customer of the school of cosmetology;

(4) Requires for the classified occupation of manicurist, the course of study shall be no less than three hundred and ninety hours. The student must earn a minimum of fifty hours of classroom training before the student may perform any of the acts of the classified occupation of manicurist on any patron or customer of the school of cosmetology;

(5) Requires for the classified occupation of esthetician, the course of study shall be no less than seven hundred fifty hours. The student shall earn a minimum of seventy-five hours of classroom training before the student may perform any of the acts of the classified occupation of esthetics on any patron or customer of the school of cosmetology or an esthetics school;

(6) Requires for the classified occupation of "Class CB - braider" the course of study shall be no less than six hundred hours. The student must earn a minimum of one hundred hours of classroom training before the student may perform any of the acts of the classified occupation of braider on any patron or customer of the school of cosmetology.

4. The subjects to be taught for the classified occupation of cosmetology shall be as follows and the hours required for each subject shall be not less than those contained in this subsection:

- (1) Shampooing of all kinds, forty hours;
- (2) Hair coloring, bleaches and rinses, one hundred thirty hours;
- (3) Hair cutting and shaping, one hundred thirty hours;
- (4) Permanent waving and relaxing, one hundred twenty-five hours;
- (5) Hairsetting, pin curls, fingerwaves, thermal curling, two hundred twenty-five hours;
- (6) Combouts and hair styling techniques, one hundred five hours;
- (7) Scalp treatments and scalp diseases, thirty hours;
- (8) Facials, eyebrows and arches, forty hours;
- (9) Manicuring, hand and arm massage and treatment of nails, one hundred ten hours;
- (10) Cosmetic chemistry, twenty-five hours;
- (11) Salesmanship and shop management, ten hours;
- (12) Sanitation and sterilization, thirty hours;
- (13) Anatomy, twenty hours;
- (14) State law, ten hours;
- (15) Curriculum to be defined by school, not less than four hundred seventy hours.

5. The subjects to be taught for the classified occupation of "Class CB - braider" shall be as follows and the hours required for each subject shall be not less than those contained in this subsection:

- (1) Shampooing of all kinds, twenty hours;**
- (2) Hair coloring, bleaches and rinses, thirty-five hours;**
- (3) Hair cutting and shaping, fifty hours;**
- (4) Permanent waving and relaxing, forty hours;**
- (5) Hairsetting, pin curls, fingerwaves, thermal curling, twenty hours;**
- (6) Combouts and hair styling techniques, one hundred five hours;**
- (7) Scalp treatments and scalp diseases, thirty hours;**
- (8) Salesmanship and shop management, ten hours;**
- (9) Sanitation and sterilization, thirty hours;**
- (10) Anatomy, twenty hours;**
- (11) State law, ten hours; and**
- (12) Curriculum to be defined by school, not less than two hundred thirty hours.**

6. The subjects to be taught for the classified occupation of manicurist shall be as follows and the hours required for each subject shall be not less than those contained in this subsection:

- (1) Manicuring, hand and arm massage and treatment of nails, two hundred twenty hours;
- (2) Salesmanship and shop management, twenty hours;
- (3) Sanitation and sterilization, twenty hours;
- (4) Anatomy, ten hours;
- (5) State law, ten hours;
- (6) Study of the use and application of certain chemicals, forty hours; **and**
- (7) Curriculum to be defined by school, not less than seventy hours.

[6.] 7. The subjects to be taught for the classified occupation of esthetician shall be as follows, and the hours required for each subject shall not be less than those contained in this subsection:

- (1) Facials, cleansing, toning, massaging, one hundred twenty hours;
- (2) Makeup application, all phases, one hundred hours;
- (3) Hair removal, thirty hours;
- (4) Body treatments, aromatherapy, wraps, one hundred twenty hours;
- (5) Reflexology, thirty-five hours;
- (6) Cosmetic sciences, structure, condition, disorder, eighty-five hours;
- (7) Cosmetic chemistry, products and ingredients, seventy-five hours;
- (8) Salon management and salesmanship, fifty-five hours;
- (9) Sanitation and sterilization, safety, forty-five hours;
- (10) State law, ten hours; **and**
- (11) Curriculum to be defined by school, not less than seventy-five hours.

[7.] 8. Training for all classified occupations shall include practical demonstrations, written and/or oral tests, and practical instruction in sanitation, sterilization and the use of antiseptics, cosmetics and electrical appliances consistent with the practical and theoretical requirements as applicable to the classified occupations as provided in this chapter.

[8.] 9. No school of cosmetology shall operate within this state unless a proper license [under] **pursuant to** this chapter has first been obtained.

[9.] 10. Nothing contained in this chapter shall prohibit a licensee within a cosmetology establishment from teaching any of the practices of the classified occupations for which the licensee has been licensed for not less than two years in the licensee's regular course of business, if the owner or manager of the business does not hold himself or herself out as a school and does not hire or employ or personally teach regularly at any one and the same time, more than one apprentice to each licensee regularly employed within the owner's business, not to exceed one apprentice per establishment, and the owner, manager, or trainer does not accept any fee for instruction.

[10.] 11. Each licensed school of cosmetology shall provide a minimum of two thousand square feet of floor space, adequate rooms and equipment, including lecture and demonstration rooms, lockers, an adequate library and two restrooms. The minimum equipment requirements shall be: six shampoo bowls, ten hair dryers, two master dustproof and sanitary cabinets, wet sterilizers, and adequate working facilities for twenty students.

[11.] 12. Each licensed school of cosmetology for manicuring only shall provide a minimum of one thousand square feet of floor space, adequate room for theory instruction, adequate equipment, lockers, an adequate library, two restrooms and a clinical working area for ten students. Minimum floor space requirement proportionately increases with student enrollment of over ten students.

[12.] 13. Each licensed school of cosmetology for esthetics only shall provide a minimum of one thousand square feet of floor space, adequate room for theory instruction, adequate equipment, lockers, an adequate library, two restrooms and a clinical working area for ten students. Minimum floor space requirement increases fifty square feet per student with student enrollment of over ten.

[13.] 14. No school of cosmetology may have a greater number of students enrolled and scheduled to be in attendance for a given class period than the total floor space of that school will accommodate. Floor space required per student shall be no less than fifty square feet per additional student beyond twenty students for a school of cosmetology, beyond ten students for a school of manicuring and beyond ten students for a school of esthetics.

[14.] 15. Each applicant for a new school shall file a written application with the board upon a form approved and furnished upon request by the board. The applicant shall include a list of equipment, the proposed curriculum, and the name and qualifications of any and all of the instructors.

[15.] 16. Each school shall display in a conspicuous place, visible upon entry to the school, a sign stating that all cosmetology services in this school are performed by students, who are in training.

[16.] 17. Any student who wishes to remain in school longer than the required training period may make application for an additional training license and remain in school. A fee is required for such additional training license.

[17.] 18. All contractual fees that a student owes to any cosmetology school shall be paid before such student may be allowed to apply for any examination required to be taken by an applicant applying for a license [under] **pursuant to** the provisions of this chapter.

329.050. 1. Applicants for examination or licensure [under] **pursuant to** this chapter shall possess the following qualifications:

- (1) They must be persons of good moral character, have an education equivalent to the successful completion

of the tenth grade and be at least seventeen years of age;

(2) If the applicants are apprentices, they shall have served and completed, as an apprentice under the supervision of a licensed cosmetologist, the time and studies required by the board which shall be no less than three thousand hours for cosmetologists, **no less than thirteen hundred hours for "Class CB - braider"**, and no less than seven hundred eighty hours for manicurists. However, when the classified occupation of manicurist is apprenticed in conjunction with the classified occupation of cosmetologist, the apprentices shall be required to successfully complete the apprenticeship of no less than a total of three thousand hours;

(3) If the applicants are students, they shall have had the required time in a licensed school of no less than one thousand five hundred hours training for the classification of cosmetologist, with the exception of public vocational technical schools in which a student shall complete no less than one thousand two hundred twenty hours training. All students shall complete no less than three hundred ninety hours for the classification of manicurist. All students shall complete no less than seven hundred fifty hours for the classification of esthetician. However, when the classified occupation of manicurist is taken in conjunction with the classified occupation of cosmetologist, the student shall not be required to serve the extra three hundred ninety hours otherwise required to include manicuring of nails. **All students shall complete no less than six hundred fifty hours of training for the classified occupation of "Class CB - braider"**; and

(4) They shall have passed an examination to the satisfaction of the board.

2. A person may apply to take the examination required by subsection 1 of this section if the person is a graduate of a school of cosmetology or apprentice program in another state or territory of the United States which has substantially the same requirements as an educational establishment licensed pursuant to this chapter.

3. Each application shall contain a statement that, subject to the penalties of making a false affidavit or declaration, the application is made under oath or affirmation and that its representations are true and correct to the best knowledge and belief of the person signing the application.

4. The sufficiency of the qualifications of applicants shall be determined by the board, but the board may delegate this authority to its executive director subject to such provisions as the board may adopt.

5. For the purpose of meeting the minimum requirements for examination, training completed by a student or apprentice shall be recognized by the board for a period of no more than five years from the date it is received."; and

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

On motion of Representative Johnson (61), **House Amendment No. 2** was adopted.

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 567, Page 61, Section 331.050, Line 27, by inserting after all of said line the following:

"332.081. 1. No person shall practice dentistry in Missouri as defined in section 332.071 unless and until the board has issued to the person a certificate certifying that the person has been duly registered as a dentist in Missouri and unless and until the board has issued to the person a license, to be renewed each period as provided in this chapter, to practice dentistry in Missouri; but nothing in this chapter shall be so construed as to make it unlawful for a legally qualified and licensed physician or surgeon, who does not practice dentistry as a specialty, from extracting teeth, or to make it unlawful for a dentist licensed in a state other than Missouri from making a clinical demonstration before a meeting of dentists in Missouri, or to make it unlawful for dental students in any accredited dental school to practice dentistry under the personal direction of instructors, or to make it unlawful for any duly registered and licensed dental hygienist in Missouri to practice as a dental hygienist as defined in section 332.091, or to make it unlawful for dental assistants, certified dental assistants or expanded functions dental assistants to be delegated duties as defined in section 332.093, or to make it unlawful for persons to practice dentistry in the United States armed services or in or for the United States Public Health Service, or in or for the United States Veterans Bureau, or to make it unlawful to teach in an accredited dental school, or to make it unlawful for a duly qualified anesthesiologist or anesthesiologist to administer an anesthetic in connection with dental services or dental surgery.

2. No corporation shall practice dentistry as defined in section 332.071 unless that corporation is organized [under] **pursuant to the provisions of chapter 356, RSMo; except that, nonprofit organizations may employ dentists and dental hygienists to provide dental services for Medicaid recipients and low-income individuals.**"; and

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

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

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

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 567, Page 24, Section 326.280, Line 21, by inserting immediately before the period on said line the following:

"including governmental accounting, budgeting or auditing".

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

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

House Amendment No. 5

AMEND House Committee Substitute for House Bill No. 567, Page 16, Section 324.243, Line 44, by deleting the word "**commission**" and inserting in lieu thereof the word "**board**"; and

Further amend said bill, Page 46, Section 327.031, Line 111, by deleting the words "**landscape architects**" and inserting in lieu thereof the words "**land surveyors**"; and

Further amend said bill, Page 59, Section 329.190, Line 24, by inserting at the end of said line the following:

"Any member who is a school owner shall not be allowed access to the testing and examination materials nor to attend the administration of the examinations, except when such member is being examined for licensure."; and

Further amend said bill, Page 59, Section 329.210, Lines 15 and 16, by deleting all of said lines and inserting in lieu thereof the following:

(5) Elect one of its members president, one vice president and one secretary; [and]
(6) Determine the sufficiency of the qualifications of applicants; **and**
(7) **Prescribe by rule the minimum standards and methods of accountability for the schools of cosmetology licensed pursuant to this chapter.**"; and

Further amend said bill, Page 63, Section 334.749, Line 45, by inserting after all of said line the following:

"334.870. An applicant for a license to practice respiratory care may be issued a license which is valid until the expiration date as determined by the board after the following requirements have been met:

- (1) The applicant submits to the board:
 - (a) A completed application for licensure;
 - (b) Written evidence of:
 - a. Credentials from the certifying entity; or
 - b. Current licensure or registration as a respiratory care practitioner in another state, the District of Columbia

or territory of the United States which requires standards for licensure or registration determined by the board to be equivalent to, or exceed, the requirements for licensure under sections 334.800 to 334.930;

(c) Payment of any required fees;

(2) The board requests and receives a complete background check and other information as may be deemed necessary to fulfill sections 334.800 to 334.910[.];

(3) An applicant who has completed the requirements of subdivision (1) of this section and has submitted the necessary information for the background check pursuant to subdivision (2) of this section may obtain a conditional license to practice as a respiratory care practitioner pending the outcome of the background check subject to the following restrictions:

(a) The conditional license shall only be issued if the applicant has made a prima facie showing that he or she meets all of the requirements for full licensure;

(b) The conditional license shall only be effective until the board has had an opportunity to investigate the applicant's qualifications for licensure pursuant to subdivisions (1) and (2) of this section and to notify the applicant that his or her application for licensure has been granted or denied;

(c) If the applicant provides false or misleading information to the board, the board may automatically terminate the conditional license. If the board automatically terminates a conditional license, the board shall notify the holder of the board's decision by certified mail or personal service;

(d) In no event shall such conditional license be in effect for more than twelve months after the date of its issuance;

(e) A conditional license shall not be eligible for renewal; and

(f) No fee shall be charged for issuing a conditional license.

334.880. 1. A license issued pursuant to sections 334.800 to 334.930 shall be renewed biennially, except as provided in sections 334.800 to 334.930. The board shall mail a notice to each person licensed during the preceding licensing period at least thirty calendar days prior to the expiration date of the license. The board shall not renew any license unless the licensee shall provide satisfactory evidence of having complied with the board's minimum requirements for continuing education.

2. [A respiratory care practitioner may choose not to renew such person's license and allow such practitioner's licensure to lapse, or may ask to be put on inactive status, provided such person does not practice respiratory care during such period that the licensure is lapsed or the practitioner is on inactive status. If after sixty days a person with a lapsed license desires to resume the practice of respiratory care, the person shall apply for licensure under the licensing requirements in effect at the time the person applies to resume the practice of respiratory care and pay the required fee as established by the board. If the person wants to maintain such person's licensure on an inactive status and in order to avoid lapsing of such license, the person shall maintain continuing education and pay the required fee as established by the board for maintaining an inactive license.] **Failure of a licensee to renew his or her license prior to the expiration of the license shall result in the lapse of the license. A lapsed license may be reinstated by the board as provided by rule.**

3. Each licensee may, in lieu of submitting proof of the completion of the required continuing education course, apply for an inactive license at the time of renewal and pay the required inactive fee. An inactive license shall be renewed biennially. An inactive license may be reactivated by the board as provided by rule.

4. Any person who practices as a respiratory care practitioner during the time his or her license is inactive or lapsed shall be considered an illegal practitioner and shall be subject to the penalties for violation of the respiratory care practice act."; and

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

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

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

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 567, Page 48, Section 327.131, Line 18, by inserting after said line the following:

“327.314 [Any person may apply to the board for examination and license as a professional land surveyor who has been enrolled as a land surveyor-in-training for a period of not less than one year and who has presented evidence to the satisfaction of the board that such person has completed the following requirement: a person who applied for enrollment as a land surveyor-in-training under the provisions of subsection 1 or 2 of section 327.312 must have acquired at least two years of satisfactory professional field and office experience in land surveying projects under the immediate personal supervision of a professional land surveyor in addition to the experience required for enrollment as a land surveyor-in-training. A person who applied for enrollment as a land surveyor-in-training under the provisions of subsection 3 of section 327.312 must have acquired at least one year of satisfactory professional field and office experience in land surveying projects under the immediate personal supervision of a professional land surveyor in addition to the experience required for enrollment as a land surveyor-in-training. At any time prior to January 1, 1991, any person possessing the experience qualifications above set forth may apply to the board for examination and license as a professional land surveyor if the applicant either:

(1) Is a graduate of and holds a degree in engineering from an accredited school of engineering and has acquired at least two years of satisfactory land surveying experience after such person has graduated and has received a degree as aforesaid; or

(2) Is a high school graduate, or holds a Missouri certificate of high school equivalence (GED), and after such graduation or after having acquired the certificate, has acquired at least eight years of satisfactory education and experience in land surveying.] **1. Any person may apply to the board for examination and licensure as a professional land surveyor who has been enrolled as a land surveyor-in-training and has presented evidence to the satisfaction of the board that said person has acquired at least four years of satisfactory professional field and office experience in land surveying from the date of enrollment as a land surveyor-in-training. This experience shall have been under the immediate personal supervision of a professional land surveyor.**

2. At any time prior to January 1, 2006, any applicant enrolled as a land surveyor-in-training under the provisions of subsections (1) or (2) of section 327.312, must have acquired at least two years of satisfactory professional field and office experience in land surveying under the immediate supervision of a professional land surveyor. Any person who applied for enrollment as a land surveyor-in-training under the provisions of subsection (3) of section 327.312, must have acquired at least one year of satisfactory professional field and office experience in land surveying under the immediate supervision of a professional land surveyor.”; and

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

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

On motion of Representative Treadway, **HCS HB 567, as amended**, was adopted.

On motion of Representative Treadway, **HCS HB 567, as amended**, was ordered perfected and printed.

Speaker Kreider assumed the Chair.

PERFECTION OF HOUSE BILL - INFORMAL

HB 381, relating to gray market tobacco, was taken up by Representative Hoppe.

Representative Hoppe offered **HS HB 381**.

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

House Amendment No. 1

AMEND House Substitute for House Bill No. 381, Page 12, Section 407.931.2, Line 11, by inserting after 2. the following: “**By January 1, 2002,**”; and

Further amending said Section, Line 15, by deleting the following after “**machine**”:

“**By January 1, 2002, all vending machines designed to dispense tobacco products**” and inserting in lieu thereof the following: “**or**”.

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

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

House Amendment No. 2

AMEND House Substitute for House Bill No. 381, Section 149.212, Page 8, Line 24, by inserting immediately after said line the following new section:

“**Section 149.213. The sales restrictions and penalties imposed pursuant to sections 149.200 to 149.212 shall not apply to cigarettes legally imported into the United States prior to the effective date of this act, or cigarettes legally imported after such effective date when imported in compliance with Public Law 106-476, Title VIII.**”; and

Further amend said bill title and enacting clause accordingly.

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

Which motion was defeated by the following vote:

AYES: 018

Abel	Barry 100	Bonner	Davis	Foley
Ford	George	Green 73	Kennedy	Lograsso
Lowe	McKenna	Murphy	O'Connor	O'Toole
Reynolds	Troupe	Wagner		

NOES: 135

Baker	Ballard	Barnett	Barnitz	Bartelsmeyer
Bartle	Bearden	Behnen	Berkowitz	Berkstresser
Black	Boatright	Boucher	Bowman	Boykins
Bray 84	Britt	Brooks	Burcham	Burton
Byrd	Campbell	Carnahan	Champion	Cierpiot
Clayton	Coleman	Cooper	Copenhaver	Crawford
Crowell	Crump	Cunningham	Curls	Dempsey
Dolan	Enz	Fares	Farnen	Franklin
Fraser	Froelker	Gambaro	Gaskill	Graham
Gratz	Green 15	Griesheimer	Hagan-Harrell	Hampton
Hanaway	Harding	Harlan	Hartzler	Haywood
Hegeman	Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Holt	Hoppe	Hosmer
Hunter	Jetton	Johnson 61	Johnson 90	Jolly
Kelley 47	Kelly 144	Kelly 27	Kelly 36	King

Koller	Legan	Levin	Liese	Long
Luetkemeyer	Luetkenhaus	Marble	Marsh	May 149
Mayer	Mays 50	Merideth	Miller	Monaco
Moore	Naeger	Nordwald	Ostmann	Overschmidt
Phillips	Portwood	Purgason	Ransdall	Rector
Reid	Reinhart	Relford	Richardson	Ridgeway
Roark	Robirds	Ross	Scheve	Schwab
Scott	Secrest	Seigfreid	Selby	Shelton
Shields	Shoemyer	Skaggs	Smith	St. Onge
Surface	Thompson	Townley	Treadway	Van Zandt
Villa	Vogel	Walton	Ward	Williams
Willoughby	Wilson 25	Wilson 42	Wright	Mr. Speaker

PRESENT: 000

ABSENT WITH LEAVE: 006

Hollingsworth	Lawson	Linton	Myers	Rizzo
Wiggins				

VACANCIES: 004

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

House Amendment No. 3

AMEND House Substitute for House Bill No. 381, Page 8, Line 18, by adding the number “1” following the period after the number 149.212; and

Further amend said Bill, Page 8, Line 24, by adding after said line the following:

“2. Any person who sustains any injury, whether the injury is in the nature of an economic loss or a commercial injury as a result of any violation of Sections 149.200 to 149.215 that person may bring a civil action seeking injunctive relief or other equitable relief, including the recovery of actual damages, which damages shall include in addition to the actual damages an award of interest at the judgment rate from the date of the filing of the lawsuit; costs incurred in the prosecution of the claim, and reasonable attorneys fees. In the event the court or jury determines that a violation of Sections 149.200 to 149.215 was willful, the court shall assess treble damages for the willful violation of said sections.”; and

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

Representative Hohulin raised a point of order that **House Amendment No. 3** is not germane to the bill.

The Chair ruled the point of order not well taken.

Representative Monaco moved that **House Amendment No. 3** be adopted.

Which motion was defeated.

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

House Amendment No. 4

AMEND House Substitute for House Bill No. 381, Page 10, Section 407.927, Lines 5-8, by deleting all new language in said section; and

Further amend House Substitute for House Bill No. 381, Page 12, Section 407.931, Lines 8-10, by removing brackets on line 8 and 9; and

Further amend said section by deleting all new language in said section; and

Further amend said title and enacting clause accordingly.

Representative Hosmer requested a division of the question.

House Amendment No. 4

PART I

AMEND House Substitute for House Bill No. 381, Page 10, Section 407.927, Line 5-8, by deleting all new language in said section.

House Amendment No. 4

PART II

AMEND House Substitute for House Bill No. 381, Page 12, Section 407.931, Lines 8-10, by removing brackets on line 8 and 9; and

Further amend said section by deleting all new language in said section; and

Further amend said title and enacting clause accordingly.

HB 381, with Part I of House Amendment No. 4 to HS, Part II of House Amendment No. 4 to HS and HS, as amended, pending, was laid over.

REFERRAL OF HOUSE RESOLUTION

The following House Resolution was referred to the Committee indicated:

HR 537 - Miscellaneous Bills & Resolutions

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HB 824 - Children, Families and Health

RE-REFERRAL OF HOUSE BILL

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

HB 472 - Utilities Regulation

COMMITTEE REPORT

Committee on Motor Vehicle and Traffic Regulations, Chairman O'Connor reporting:

Mr. Speaker: Your Committee on Motor Vehicle and Traffic Regulations, to which was referred **HB 126**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent**.

INTRODUCTION OF HOUSE JOINT RESOLUTION

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

HJR 16, introduced by Representatives Reid, Crawford, Moore and Cooper, relating to highways and transportation.

INTRODUCTION OF HOUSE BILL - APPROPRIATIONS

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

HB 8, introduced by Representative Green (73), to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, 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 period beginning July 1, 2001 and ending June 30, 2002.

INTRODUCTION OF HOUSE BILLS

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

HB 843, introduced by Representatives Harding, Copenhaver, Williams, Kelley (47) and Kelly (36), et al, relating to liquor control.

HB 844, introduced by Representative Liese, relating to local tourism taxes.

HB 845, introduced by Representative Scheve, relating to the regulation of hay rides.

HB 846, introduced by Representatives Abel, Foley, Crump, Farnen, Carnahan, Kreider, Thompson and Green (73), et al, relating to the tobacco settlement agreement.

HB 847, introduced by Representative Fraser, et al, relating to adoption records.

HB 848, introduced by Representatives Barry and Johnson (61), relating to the Missouri genetic advisory committee.

HB 849, introduced by Representatives Myers, Black, Crowell, Schwab and Clayton, relating to the Missouri consolidated health care plan.

HB 850, introduced by Representative Fraser, relating to the sale of certain consumer credit information.

HB 851, introduced by Representatives Black, Myers and Mayer, et al, to authorize the conveyance of property owned by the state in Scott County to the Village of Commerce.

HB 852, introduced by Representatives Crawford, Luetkemeyer, Crump, Legan, Cooper, Bearden and Dempsey, et al, relating to the preemption of the regulation of firearms.

HB 853, introduced by Representatives Crump, Kreider, Hampton, Gratz, Lograsso, Koller, Clayton and Ransdall, et al, relating to concealable weapons.

HB 854, introduced by Representatives Curls, Boucher, Smith and Skaggs, et al, relating to user fees collected by the county recorder of deeds.

HB 855, introduced by Representatives Willoughby, Ridgeway, Phillips, Reinhart, Harding and Kelly (36), relating to tax-delinquent property sales.

HB 856, introduced by Representative Koller, relating to emissions requirements for historic vehicles.

HB 857, introduced by Representative Koller, relating to the issuance of driver's licenses.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 10**, entitled:

An act to repeal sections 473.398 and 516.350, RSMo 2000, relating to judicial proceedings, and to enact in lieu thereof three new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 216**, entitled:

An act to repeal section 334.120, RSMo 2000, relating to professional registration, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 219**, entitled:

An act to repeal section 191.227, RSMo 2000, relating to access to medical records, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 258**, entitled:

An act to repeal sections 483.310 and 488.426, RSMo 2000, relating to court fees, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 274**, entitled:

An act to repeal sections 50.1230 and 50.1250, RSMo 2000, relating to the county employees' retirement system, and to enact in lieu thereof two new sections relating to the same subject, with an effective date.

In which the concurrence of the House is respectfully requested.

WITHDRAWAL OF HOUSE BILLS

February 15, 2001

The Honorable Jim Kreider, Speaker
Missouri House of Representatives
Missouri State Capitol
Jefferson City, MO 65101

Dear Mr. Speaker:

I respectfully request that **HB 737** be withdrawn. Thank you for your consideration and attention to this matter.

Sincerely,

/s/ Chris Liese

February 20, 2001

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

Dear Ted:

I respectfully request that **House Bill 430**, relating to the Policemen's and Sheriff's Deputies' Trust Fund, be withdrawn. Thank you for your assistance.

Sincerely,

/s/ Gary Kelly

ADJOURNMENT

On motion of Representative Crump, the House adjourned until 10:00 a.m., Thursday, February 22, 2001.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Twenty-ninth Day, Tuesday, February 20, 2001, page 421, line 15, by deleting all of said line and inserting in lieu thereof the following:

the following: "1."; and

Pages 419 and 420, roll call, by showing Representatives Hunter, St. Onge, Ward and Wright voting "aye" rather than "absent with leave".

COMMITTEE MEETINGS

APPROPRIATIONS - CORRECTIONS AND PUBLIC SAFETY

Thursday, February 22, 2001, 8:00 am. Hearing Room 1.

Executive Session. Hearing may continue upon adjournment.

AMENDED NOTICE.

APPROPRIATIONS - SOCIAL SERVICES

Thursday, February 22, 2001, 8:00 am. Hearing Room 3.

Hearing will continue upon adjournment. Mark-up and possible Executive Session.

To be considered - HB 11

APPROPRIATIONS - TRANSPORTATION

Thursday, February 22, 2001, 8:00 am. Hearing Room 7.

Mark-up if needed.

CHILDREN, FAMILIES, AND HEALTH

Thursday, February 22, 2001. Hearing Room 7 upon adjournment.

To be considered - Executive Session - HB 87, Executive Session - HB 108,
Executive Session - HB 317, Executive Session - HB 339, Executive Session - HB 365,
Executive Session - HB 762

COMMERCE AND ECONOMIC DEVELOPMENT

Thursday, February 22, 2001. Hearing Room 6 upon adjournment.

To be considered - Executive Session - HB 189, Executive Session - HB 215,
Executive Session - HB 327, Executive Session - HB 332, Executive Session - HB 397

CRITICAL ISSUES, CONSUMER PROTECTION AND HOUSING

Monday, February 26, 2001, 8:00 pm. Hearing Room 3.

Executive Session may follow.

To be considered - HB 145, HB 146, HB 511

ENVIRONMENT AND ENERGY

Thursday, February 22, 2001, 8:30 am. Hearing Room 5.

To be considered - HB 597

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, February 22, 2001, 1:30 pm. Hearing Room 4.

Closed meeting within the meeting of Chapter 610, RSMo.

LOCAL GOVERNMENT AND RELATED MATTERS

Thursday, February 22, 2001, 9:30 am. Side gallery.

Executive Session. CANCELLED.

MOTOR VEHICLE AND TRAFFIC REGULATIONS

Thursday, February 22, 2001, 9:45 am. Side gallery.

To be considered - Executive Session - HB 120

PUBLIC SAFETY, LAW ENFORCEMENT AND VETERAN AFFAIRS

Tuesday, February 27, 2001, 8:00 am. Hearing Room 6.

Executive Session may follow.

To be considered - HB 731, HB 732, HB 733

RETIREMENT

Wednesday, February 28, 2001, 8:00 pm. Hearing Room 1.

To be considered - HB 426, HB 514, HB 548, HB 602, HB 660, HB 705, HB 750

UTILITIES REGULATION

Thursday, February 22, 2001, 8:15 am. Hearing Room 6.

Executive Session to follow.

To be considered - HB 472, HB 723

HOUSE CALENDAR

THIRTY-FIRST DAY, THURSDAY, FEBRUARY 22, 2001

HOUSE JOINT RESOLUTION FOR SECOND READING

HJR 16

HOUSE BILLS FOR SECOND READING

HB 843 through HB 857

HOUSE BILL FOR SECOND READING - APPROPRIATIONS

HB 8

HOUSE BILL FOR PERFECTION - APPROPRIATIONS

HCS HB 15 - Green (73)

HOUSE BILLS FOR PERFECTION

- 1 HB 287 - Williams
- 2 HCS HB 241 - Smith
- 3 HB 80 - Ross
- 4 HCS HB 50 - Relford

HOUSE BILLS FOR PERFECTION - INFORMAL

- 1 HCS HB 113 - Hickey
- 2 HB 381, Pt. I of HA 4 to HS, Pt. II of HA 4 to HS, and HS, as amended, pending - Hoppe

HOUSE BILLS FOR PERFECTION - CONSENT

(February 19, 2001)

- 1 HB 133 - Gambaro
- 2 HB 288 - Campbell
- 3 HB 266 - Treadway
- 4 HB 236 - Smith
- 5 HB 48 - Relford
- 6 HB 180 - Thompson
- 7 HB 78 - Kennedy
- 8 HB 262 - Linton

HOUSE CONCURRENT RESOLUTION FOR ADOPTION AND THIRD READING

HCR 16, (2-20-01, Page 432) - Green (15)

HOUSE JOINT RESOLUTION FOR THIRD READING

HJR 5 - Barry

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 144 & 46, (Fiscal Review 2-14-01) - Bonner
- 2 HS HCS HB 328 & 88, (Fiscal Review 2-15-01) - Harlan
- 3 HCS HB 205, 323 & 549 - Relford
- 4 HB 219 - Townley
- 5 HCS HB 441, 94 & 244 - Holt
- 6 HCS HB 207, E.C. (Fiscal Review 2-20-01) - Ross
- 7 HB 163 - Berkowitz
- 8 HB 621 - Gratz
- 9 HB 575 - O'Connor

SENATE BILLS FOR SECOND READING

- 1 SCS SB 10
- 2 SB 216
- 3 SB 219
- 4 SB 258
- 5 SB 274