

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-THIRD DAY—MONDAY, FEBRUARY 14, 2000

The Senate met pursuant to adjournment.

Absent with leave—Senators

Kenney Mueller Scott—3

Senator Mathewson in the Chair.

Vacancies—1

The Reverend Carl Gauck offered the following prayer:

The Lieutenant Governor was present.

Senator Staples assumed the Chair.

Psalm 10:17: “Lord, You have heard the desire of the humble: You will prepare their heart, You will cause Your ear to hear.”

Gracious Father, You are so ready and willing to hear that before Your People cry unto You, You have already discerned the desires of their hearts. You who encourage us to pray when we have no such desire make it possible to satisfy our souls and You give us faith to live through the trials and difficulties of life which makes our faith more brightly shine. So we may say cheerfully that we praise Your name and worship You our God. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, February 10, 2000, was read and approved.

The following Senators were present during the day's proceedings:

Present—Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kinder	Klarich
Mathewson	Maxwell	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Stelman	Stoll	Westfall
Wiggins	Yeckel—30		

RESOLUTIONS

Senator Jacob offered Senate Resolution No. 1206, regarding David Wax, Columbia, which was adopted.

Senator Bland offered Senate Resolution No. 1207, regarding the death of Derrick Vincent Thomas, Kansas City, which was adopted.

Senator DePasco offered Senate Resolution No. 1208, regarding Senator Harry Wiggins, Kansas City, which was adopted.

Senator DePasco offered Senate Resolution No. 1209, regarding David James Quintero, Kansas City, which was adopted.

Senator DePasco offered Senate Resolution No. 1210, regarding Porfirio Raya, Jr., Kansas City, which was adopted.

Senator Rohrbach offered Senate Resolution No. 1211, regarding Mary Magers, Eugene, which was adopted.

Senator Steelman offered Senate Resolution No. 1212, regarding Amy Schlueter, Rolla, which was adopted.

Senator Clay offered Senate Resolution No. 1213, regarding the Intensive Therapeutic Community at the Jefferson City Correctional

Center, which was adopted.

On behalf of Senator Kenney, Senator DePasco offered Senate Resolution No. 1214, regarding the death of Derrick Vincent Thomas, Kansas City, which was adopted.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1007—By Scott.

An Act to repeal section 94.655, RSMo Supp. 1999, relating to transportation sales taxation, and to enact in lieu thereof one new section relating to the same subject.

SB 1008—By Scott.

An Act to repeal sections 135.408 and 135.411, RSMo 1994, sections 135.403, 348.300, 348.302, 620.1420 and 620.1450, RSMo Supp. 1999, and both versions of section 135.535 as they appear in RSMo Supp. 1999, relating to tax relief in distressed communities, and to enact in lieu thereof eight new sections relating to the same subject.

SB 1009—By Bentley.

An Act to repeal section 82.1035, RSMo 1994, relating to geographical information systems, and to enact in lieu thereof one new section relating to the same subject.

SB 1010—By Childers and Caskey.

An Act to repeal section 301.020, RSMo Supp. 1999, section 302.171 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, and section 302.171 as enacted by house bill no. 783, eighty-ninth general assembly, first regular session, relating to licenses, and to enact in lieu thereof three new sections relating to the blindness education, screening and treatment program, with an effective date.

SB 1011—By Singleton.

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to patients' rights.

SB 1012—By Singleton.

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to physicians.

SB 1013—By Stoll.

An Act to amend chapter 169, RSMo, relating to certain school retirement systems, by adding thereto one new section relating to the same subject.

SB 1014—By Stoll.

An Act to repeal section 144.030, RSMo Supp. 1999, relating to exemptions from state and local sales and use taxes, and to enact in lieu thereof one new section relating to the same subject.

SB 1015—By Wiggins and DePasco.

An Act to repeal sections 86.403, 86.442, 86.493, 86.675, 86.730 and 86.780, RSMo 1994, and sections 86.440, 86.441, 86.447, 86.483, 86.750 and 86.770, RSMo Supp. 1999, relating to certain police retirement systems, and to enact in lieu thereof twelve new sections relating to the same subject.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Scott, Chairman of the Committee on Pensions and General Laws, Senator DePasco submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 821**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 821, Page 1, Section 50.1175, Line 11, by inserting after "50.1300" the following: ", **provided that once a person's pension benefit is in pay status, it shall be subject to withholding pursuant to the terms of section 452.350, RSMo**".

On behalf of Senator Schneider, Chairman of the Committee on Judiciary, Senator Caskey submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 746**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Johnson, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 883**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 685**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 934, SB 546, SB 578, SB 579** and **SB 782**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 934, 546, 578, 579** and **782**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 934, 546, 578, 579 and 782

An Act to repeal section 577.017, RSMo 1994, and sections 302.302, 302.309, 302.505, 304.012, 577.012, 577.023 and 577.600, RSMo Supp. 1999, relating to alcohol-related traffic offenses, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Caskey moved that **SCS** for **SBs 934, 546, 578, 579** and **782** be adopted.

Senator Caskey offered **SS** for **SCS** for **SBs 934, 546, 578, 579** and **782**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 934, 546, 578, 579 and 782

An Act to repeal section 577.017, RSMo 1994, and sections 302.302, 302.505, 304.012, 577.001, 577.012, 577.023 and 577.600, RSMo Supp. 1999, relating to alcohol-related traffic offenses, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

Senator Caskey moved that **SS** for **SCS** for **SBs 934, 546, 578, 579** and **782** be adopted.

President Wilson assumed the Chair.

Senator Wiggins assumed the Chair.

Senator Sims offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 10, Section 577.017, Line 22, by deleting “zero” and replacing with “two-hundredths of one”.

Senator Sims moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Mathewson assumed the Chair.

Senator Staples offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 16, Section 577.600, Line 22, by inserting after all of said line the following:

“Section 1. Every commercial pilot shall be required to submit to a breathalyzer test prior to any flight in which he is responsible for operation of the airplane.”; and

Further amend the title and enacting clause accordingly.

Senator Staples moved that the above amendment be adopted, which motion prevailed.

Senator Howard offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 13, Section 577.023, Line 15, by inserting after the word “service” the following: **“and successfully completes a sixty-day detoxification program. In addition, no persistent offender shall be eligible to be released from probation or parole until the offender has demonstrated through periodic drug testing that he has been alcohol-free for at least one year.”**

Senator Howard moved that the above amendment be adopted.

Senator Rohrbach offered **SSA 1** for **SA 3**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 13, Section 577.023, Line 15, by inserting after the word “service” the following: **“or such person successfully completes a sixty-day treatment program. In addition, no persistent offender shall be eligible to be released from probation or parole until the offender has demonstrated through periodic drug testing that he has been alcohol-free for at least one year.”**

Senator Rohrbach moved that the above substitute amendment be adopted.

Senator Johnson assumed the Chair.

At the request of Senator Rohrbach, **SSA 1** for **SA 3** was withdrawn.

Senator Goode offered **SSA 2** for **SA 3**:

SENATE SUBSTITUTE AMENDMENT NO. 2
FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 1, Section A, Line 6 of said page, by inserting after all of said line the following:

“302.060. The director shall not issue any license and shall immediately deny any driving privilege:

(1) To any person who is under the age of

eighteen years, if such person operates a motor vehicle in the transportation of persons or property as classified in section 302.015;

(2) To any person who is under the age of sixteen years, except as hereinafter provided;

(3) To any person whose license has been suspended, during such suspension, or to any person whose license has been revoked, until the expiration of one year after such license was revoked;

(4) To any person who is an habitual drunkard or is addicted to the use of narcotic drugs;

(5) To any person who has previously been adjudged to be incapacitated and who at the time of application has not been restored to partial capacity;

(6) To any person who, when required by this law to take an examination, has failed to pass such examination;

(7) To any person who has an unsatisfied judgment against such person, as defined in chapter 303, RSMo, until such judgment has been satisfied or the financial responsibility of such person, as defined in section 303.120, RSMo, has been established;

(8) To any person whose application shows that the person has been convicted within one year prior to such application of violating the laws of this state relating to failure to stop after an accident and to disclose the person's identity or driving a motor vehicle without the owner's consent;

(9) To any person who has been convicted more than twice of violating state law, or a county or municipal ordinance where the judge in such cases was an attorney and the defendant was represented by or waived the right to an attorney in writing, relating to driving while intoxicated; except that, after the expiration of ten years from the date of conviction of the last offense of violating such law or ordinance relating to driving while intoxicated, a person who was so convicted may petition the circuit court of the county in which such last conviction was rendered and the court shall review the person's habits and conduct since such conviction. If the court finds that the petitioner has not been convicted of any offense

related to alcohol, controlled substances or drugs during the preceding ten years and that the petitioner's habits and conduct show such petitioner to no longer pose a threat to the public safety of this state, the court may order the director to issue a license to the petitioner if the petitioner is otherwise qualified pursuant to the provisions of sections 302.010 to 302.540. No person may obtain a license pursuant to the provisions of this subdivision through court action more than one time;

(10) To any person who has been convicted twice within a five-year period of violating state law, or a county or municipal ordinance where the judge in such cases was an attorney and the defendant was represented by or waived the right to an attorney in writing, of driving while intoxicated, **or aggravated driving with excessive blood alcohol content in any combination**, or who has been convicted of the crime of involuntary manslaughter while operating a motor vehicle in an intoxicated condition. The director shall not issue a license to such person for five years from the date such person was convicted for involuntary manslaughter while operating a motor vehicle in an intoxicated condition or for driving while intoxicated for the second time. Any person who has been denied a license for two convictions of driving while intoxicated prior to July 27, 1989, shall have the person's license issued, upon application, unless the two convictions occurred within a five-year period, in which case, no license shall be issued to the person for five years from the date of the second conviction;

(11) To any person who is otherwise disqualified pursuant to the provisions of sections 302.010 to 302.780, chapter 303, RSMo, or section 544.046, RSMo;

(12) To any person who is under the age of eighteen years, if such person's parents or legal guardians file a certified document with the department of revenue stating that the director shall not issue such person a driver's license. Each document filed by the person's parents or legal guardians shall be made upon a form furnished by the director and shall include identifying information of the person for whom the parents or

legal guardians are denying the driver's license. The document shall also contain identifying information of the person's parents or legal guardians. The document shall be certified by the parents or legal guardians to be true and correct. This provision shall not apply to any person who is legally emancipated. The parents or legal guardians may later file an additional document with the department of revenue which reinstates the person's ability to receive a driver's license."; and

Further amend said bill, page 4, section 302.302, Line 14 of said page, by inserting after all of said line the following:

"(15) For a conviction of aggravated driving with an excessive blood alcohol content.....12 points"; and

Further amend said bill and section, page 5, line 1 of said page, by striking "or (10)" and inserting in lieu thereof the following: ", (10) or (15)"; and further amend line 6 of said page, by striking "and (11)" and inserting in lieu thereof the following: ", (11) and (15)"; and further amend lines 8 and 9 of said page by striking "and (11)" and inserting in lieu thereof the following: ", (11) and (15)"; and

Further amend said bill, page 6, Section 302.302, Line 17 of said page, by inserting after all of said line the following:

"302.304. 1. The director shall notify by ordinary mail any operator of the point value charged against the operator's record when the record shows four or more points have been accumulated in a twelve-month period.

2. In an action to suspend or revoke a license or driving privilege under this section points shall be accumulated on the date of conviction. No case file of any conviction for a driving violation for which points may be assessed pursuant to section 302.302 may be closed until such time as a copy of the record of such conviction is forwarded to the department of revenue.

3. The director shall suspend the license and driving privileges of any person whose driving record shows the driver has accumulated eight points in eighteen months.

4. The license and driving privilege of any person whose license and driving privilege [has] **have** been suspended under the provisions of sections 302.010 to 302.540 except those persons whose license and driving privilege [has] **have** been suspended under the provisions of subdivision (8) of subsection 1 of section 302.302 or has accumulated sufficient points together with a conviction under subdivision [(10)] **(11)** of subsection 1 of section 302.302 and who has filed proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, and is otherwise eligible, shall be reinstated as follows:

(1) In the case of an initial suspension, thirty days after the effective date of the suspension;

(2) In the case of a second suspension, sixty days after the effective date of the suspension;

(3) In the case of the third and subsequent suspensions, ninety days after the effective date of the suspension. Unless proof of financial responsibility is filed with the department of revenue, a suspension shall continue in effect for two years from its effective date.

5. The period of suspension of the driver's license and driving privilege of any person under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has accumulated sufficient points together with a conviction under subdivision [(10)] **(11)** of subsection 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving privilege issued by the director of revenue for the limited purpose of driving between a residence and a place of employment, or to and from an alcohol education or treatment program, or for both between a residence and a place of employment and to and from such a program. **The period of suspension of the driver's license and driving privilege of any person pursuant to the provisions of subdivision (10) of subsection 1 of section 302.302 shall be ninety days.** Upon completion of [such] **this** period of restricted driving privilege, **if applicable, and** upon compliance with other requirements of law and upon filing of proof of financial responsibility with the department of revenue, in accordance with chapter 303, RSMo, the license and driving

privilege shall be reinstated.

6. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's driving privilege and license shall be resuspended.

7. The director shall revoke the license and driving privilege of any person when the person's driving record shows such person has accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation period of any person whose license and driving privilege [has] **have** been revoked under the provisions of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, and is otherwise eligible, shall be terminated by a notice from the director of revenue after one year from the effective date of the revocation. Unless proof of financial responsibility is filed with the department of revenue, except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for a period of two years from its effective date. If the person fails to maintain proof of financial responsibility in accordance with chapter 303, RSMo, the person's license and driving privilege shall be rerevoked. Any person whose license and driving privilege [has] **have** been revoked under the provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the revocation from the director, pass the complete driver examination and apply for a new license before again operating a motor vehicle upon the highways of this state.

8. If, prior to conviction for an offense that would require suspension or revocation of a person's license under the provisions of this section, the person's total points accumulated are reduced, pursuant to the provisions of section 302.306, below the number of points required for suspension or revocation pursuant to the provisions of this section, then the person's license shall not be suspended or revoked until the necessary points are again obtained and accumulated.

9. If any person shall neglect or refuse to surrender the person's license, as provided herein, the director shall direct the state highway patrol or

any peace or police officer to secure possession thereof and return it to the director.

10. Upon the issuance of a reinstatement or termination notice after a suspension or revocation of any person's license and driving privilege under the provisions of sections 302.010 to 302.540, the accumulated point value shall be reduced to four points, except that the points of any person serving as a member of the armed forces of the United States outside the limits of the United States during a period of suspension or revocation shall be reduced to zero upon the date of the reinstatement or termination of notice. It shall be the responsibility of such member of the armed forces to submit copies of official orders to the director of revenue to substantiate such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary notwithstanding, the effective date of the four points remaining on the record upon reinstatement or termination shall be the date of the reinstatement or termination notice.

11. No credit toward reduction of points shall be given during periods of suspension or revocation or any period of driving under a hardship driving privilege granted by a court.

12. Any person or nonresident whose license or privilege to operate a motor vehicle in this state has been suspended or revoked under this or any other law shall, before having the license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee of twenty dollars which shall be in addition to all other fees provided by law.

13. Notwithstanding any other provision of law to the contrary, if after two years from the effective date of any suspension or revocation issued under this chapter, the person or nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such license or privilege to operate a motor vehicle in this state.

14. No person who has had a license to operate a motor vehicle suspended or revoked as a result of an assessment of points for a violation under subdivision (8), (9), [or] (10) **or** (11) of subsection 1 of section 302.302 shall have that license reinstated until such person has participated in and

successfully completed a substance abuse traffic offender program defined in section 302.010[, except]. The department may waive [such] **the** requirement upon completion of a comparable program or upon good cause shown or the court may waive such requirement upon good cause shown. The court in making this determination shall consider the person's driving record, the circumstances surrounding the offense and the likelihood of the person committing a like offense in the future. Assignment recommendations, based upon the needs assessment as described in subdivision (21) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo, after reviewing such assessment. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Such assessment and compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

15. The fees for the program authorized in subsection 14 of this section, or a portion thereof to be determined by the department of mental health, shall be paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. The supplemental fees received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in

section 630.053, RSMo."; and

Further amend said bill, Page 7, Section 302.505, Line 5 of said page, by inserting after "RSMo," the following: "**or aggravated driving with excessive blood alcohol content in violation of section 577.015, RSMo,**"; and

Further amend said bill, Page 7, Section 302.505, Line 19 of said page, by inserting after all of said line the following:

"302.541. 1. In addition to other fees required by law, any person who has had a license to operate a motor vehicle suspended or revoked following a determination, pursuant to section 302.505, or section 577.010, 577.012, **577.015**, 577.041 or 577.510, RSMo, or any county or municipal ordinance, where the judge in such case was an attorney and the defendant was represented by or waived the right to an attorney, that such person was driving while intoxicated or with a blood alcohol content of ten-hundredths of one percent or more by weight or, where such person was at the time of the arrest less than twenty-one years of age and was driving with a blood alcohol content of two-hundredths of one percent or more by weight, shall pay an additional fee of twenty-five dollars prior to the reinstatement or reissuance of the license.

2. Any person less than twenty-one years of age whose driving privilege has been suspended or revoked solely for a first determination pursuant to sections 302.500 to 302.540 that such person was driving a motor vehicle with two-hundredths of one percent or more blood alcohol content is exempt from filing proof of financial responsibility with the department of revenue in accordance with chapter 303, RSMo, as a prerequisite for reinstatement of driving privileges or obtaining a restricted driving privilege as provided by section 302.525.

302.545. 1. Any person who is less than twenty-one years of age and whose driving privilege has been suspended or revoked, for a first determination under sections 302.500 to 302.540, that such person was driving with two-hundredths of one percent of blood alcohol content, shall have all official records and all recordations maintained

by the department of revenue of such suspension or revocation expunged two years after the date of such suspension or revocation, or when such person attains the age of twenty-one, whichever date first occurs. Such expungement shall be performed by the department of revenue without need of a court order. No records shall be expunged if the person was found guilty or pled guilty to operating a commercial motor vehicle, as defined in section 302.700, with a blood alcohol content of at least four-hundredths of one percent.

2. The provisions of this section shall not apply to any person whose license is suspended or revoked for a second or subsequent time pursuant to subsection 1 of this section or who is convicted of any alcohol-related driving offense before the age of twenty-one including, but not limited to:

(1) Driving while intoxicated pursuant to section 577.010, RSMo; [or]

(2) Driving with excessive blood alcohol content pursuant to section 577.012, RSMo; **or**

(3) **Aggravated driving with excessive blood alcohol content pursuant to section 577.015, RSMo.**"; and

Further amend said bill, Page 8, Section 304.012, Line 7 of said page, by inserting after all of said line the following: "302.540. 1. No person who has had a license to operate a motor vehicle suspended or revoked under the provisions of sections 302.500 to 302.540 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, except the department may waive such requirement upon completion of a comparable program or upon good cause shown or the court may waive such requirement upon good cause shown. The court in making this determination shall consider the person's driving record, the circumstances surrounding the offense and the likelihood of the person committing a like offense in the future. Assignment recommendations, based upon the needs assessment as described in subdivision (21) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations

reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo, after reviewing such assessment. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Such assessment and compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

2. The fees for the program authorized in subsection 1 of this section, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolled in the program. **The court shall order the offender to pay restitution to the state in the amount of any fee or portion of any fee paid by the state on behalf of the offender.** Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. The supplemental fees received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.

3. Court-ordered participation in a substance abuse traffic offender program, pursuant to section 577.049, RSMo, shall satisfy the requirements of this section if the court action arose out of the same occurrence that resulted in a person's license being administratively suspended or revoked.

4. The division of alcohol and drug abuse of the department of mental health shall develop and certify a program to provide education or

rehabilitation services for individuals determined by the division to be serious or repeat offenders. The program shall qualify as a substance abuse traffic offender program."; and

Further amend said bill, Page 10, Section 577.012, Line 2 of said page, by inserting after all of said line the following:

"577.015. 1. A person commits the crime of "aggravated driving with excessive blood alcohol content" if such person operates a motor vehicle in this state with fifteen-hundredths of one percent or more by weight of alcohol in such person's blood.

2. As used in this section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this section, the test shall be conducted in accordance with the provisions of sections 577.020 to 577.041.

3. For the first offense, driving with excessive blood alcohol content is a class B misdemeanor."; and

Further amend said bill, Page 11, Section 577.023, Line 6 of said page, by inserting after "intoxicated," the following: **"aggravated driving with excessive blood alcohol content,";** and

Further amend said bill, Page 12, Section 577.023, Line 18 of said page, by striking "or 577.012" and inserting in lieu thereof the following: "[or], **577.012 or 577.015**"; and further amend line 21 of said page, by striking "or 577.012" and inserting in lieu thereof the following: "[or], **577.012 or 577.015**"; and

Further amend said bill, Page 15, Section 577.023, Line 14 of said page, by inserting after all of said line the following:

"577.049. 1. Upon a plea of guilty or a finding of guilty for an offense of violating the provisions of section 577.010 or 577.012 or violations of county or municipal ordinances involving alcohol

or drug related traffic offenses, the court shall order the person to participate in and successfully complete a substance abuse traffic offender program defined in section 577.001 **or a required educational assessment and community treatment program pursuant to section 559.633, RSMo.**

2. The fees for the substance abuse traffic offender program, or a portion [thereof] **of the program**, to be determined by the division of alcohol and drug abuse of the department of mental health, shall be paid by the person enrolling in the program. **The court shall order the offender to pay restitution to the state in the amount of any fee or portion of any fee paid by the state on behalf of the offender.** Any person who attends the program shall pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health the supplemental fees for all persons enrolled in the program, less two percent for administrative costs. The supplemental fees received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above substitute amendment be adopted.

Senator Ehlmann offered **SA 1 to SSA 2 for SA 3**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 2
FOR SENATE AMENDMENT NO. 3

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 3 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 934, 546, 578, 579 and 782, Page 16, Section 577.015, Line 11, by deleting the letter "B" and adding in its place the letter "A".

Senator Ehlmann moved that the above amendment be adopted, which motion prevailed.

Senator Mathewson assumed the Chair.

At the request of Senator Caskey, **SB 934, SB 546, SB 578, SB 579 and SB 782**, with **SCS, SS for SCS, SA 3 and SSA 2 for SA 3**, as amended (pending), were placed on the Informal Calendar.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 1016—By Jacob, Maxwell, Clay, Caskey, Stoll, Wiggins, DePasco, Howard and House.

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

SB 1017—By Mathewson, Russell, Singleton, Bentley, Quick, DePasco, Childers, Sims, Westfall, Staples, Ehlmann, Howard, Jacob, Flotron, House, Johnson and Stoll.

An Act to repeal section 226.133, RSMo 1994, relating to bonding for transportation, and to enact in lieu thereof one new section relating to the same subject.

REPORTS OF STANDING COMMITTEES

Senator Stoll, Chairman of the Committee on Elections, Veterans' Affairs and Corrections, submitted the following report:

Mr. President: Your Committee on Elections, Veterans' Affairs and Corrections, to which was referred **SB 765**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Jacob, Chairman of the Committee on Insurance and Housing, submitted the following reports:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 643**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 836**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator House, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 877**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 573**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 951—Education.

SB 952—Civil and Criminal Jurisprudence.

SB 953—Education.

SB 954—Agriculture, Conservation, Parks and Tourism.

SB 955—Aging, Families and Mental Health.

SB 956—Ways and Means.

SB 957—Public Health and Welfare.

SB 958—Commerce and Environment.

SB 959—Aging, Families and Mental Health.

SB 960—Agriculture, Conservation, Parks and Tourism.

SB 961—Education.

SB 962—Financial and Governmental Organization.

SB 963—Commerce and Environment.

SB 964—Insurance and Housing.

SB 965—Ways and Means.

SB 966—Commerce and Environment.

SB 967—Commerce and Environment.

SB 968—Insurance and Housing.

SB 969—Transportation.

SB 970—Judiciary.

SB 971—Elections, Veterans' Affairs and Corrections.

SB 972—Aging, Families and Mental Health.

SB 973—Judiciary.

SB 974—Public Health and Welfare.

SB 975—Pensions and General Laws.

SB 976—Public Health and Welfare.

SB 977—Judiciary.

SB 978—Insurance and Housing.

SB 979—Civil and Criminal Jurisprudence.

SB 980—Civil and Criminal Jurisprudence.

SB 981—Education.

SB 982—Agriculture, Conservation, Parks and Tourism.

SB 983—Commerce and Environment.

SB 984—Insurance and Housing.

SB 985—Elections, Veterans' Affairs and Corrections.

SB 986—Public Health and Welfare.

SB 987—Education.

SB 988—Transportation.

SB 989—Education.

SB 990—Agriculture, Conservation, Parks and Tourism.

SB 991—Ways and Means.

SB 992—Ways and Means.

SB 993—Aging, Families and Mental Health.

SB 994—Financial and Governmental Organization.

SB 995—Commerce and Environment.

SB 996—Civil and Criminal Jurisprudence.

SB 997—Civil and Criminal Jurisprudence.

February 14, 2000

SB 998—Local Government and Economic Development.

Senator Joe Maxwell
State Capitol, Room 219
Jefferson City, MO 65101

SB 999—Commerce and Environment.

Dear Senator Maxwell:

SB 1000—Education.

It is my pleasure to appoint you as a member and vice-chairman of the Senate Committee on Labor and Industrial Relations. You will replace Senator Lacy Clay.

SJR 51—Pensions and General Laws.

If you have any questions, please do not hesitate to contact me.

SJR 54—Education.

Sincerely,

/s/ Ed Quick
Edward E. Quick
President Pro Tem

REFERRALS

President Pro Tem Quick referred **SB 709**, with **SCA 1**, to the Committee on State Budget Control.

INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Joseph Sander, Sikeston; Larry McDonnel, Seneca; Gary Gilgen and Cal Gunter, Noel; and Charles Harron, Bertrand.

COMMUNICATIONS

President Pro Tem Quick submitted the following:

On motion of Senator DePasco, the Senate adjourned under the rules.

SENATE CALENDAR

TWENTY-FOURTH DAY—TUESDAY, FEBRUARY 15, 2000

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SRB 1001-Wiggins
SRB 1002-Wiggins
SB 1003-Wiggins
SB 1004-Schneider and
Wiggins
SB 1005-Schneider
SB 1006-Yeckel
SB 1007-Scott
SB 1008-Scott
SB 1009-Bentley

SB 1010-Childers and
Caskey
SB 1011-Singleton
SB 1012-Singleton
SB 1013-Stoll
SB 1014-Stoll
SB 1015-Wiggins and DePasco
SB 1016-Jacob, et al
SB 1017-Mathewson, et al

HOUSE BILLS ON SECOND READING

HB 1506-VanZandt, et al
HJR 43-Barry, et al
HB 1363-Bray, et al

HCS for HB 1144
HB 1321-Relford, et al
HCS for HB 1142

SENATE BILLS FOR PERFECTION

SBs 867 & 552-Maxwell,
with SCS
SB 610-Staples and DePasco
SB 576-Maxwell and
Howard

SBs 757 & 602-Maxwell,
with SCS
SB 756-Caskey, with SCS
SJR 45 & 41-House, with SCS
SB 618-Rohrbach, with SCA 1

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 934, 546, 578, 579 &
782-Caskey, with SCS,
SS for SCS, SA 3 &
SSA 2 for SA 3 (pending)

SJR 47-Quick, et al, with
SCS, SS for SCS, SA 1,
SSA 1 for SA 1 & SA 3
to SSA 1 for SA 1 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 810-Goode
SB 616-Johnson
SB 724-Rohrbach
SB 540-Mathewson, with SCS

SB 709-DePasco, with SCA 1
(In Budget Control)
SB 734-Stoll

Reported 2/8

SB 722-Caskey
SB 769-DePasco and Wiggins
SB 774-Caskey, with SCA 1
SB 537-Russell

SB 856-Maxwell
SB 557-Mueller, with SCS
SB 779-Mathewson and
Johnson, with SCS

Reported 2/14

SB 821-Caskey, with SCA 1
SB 746-Johnson, with SCS
SB 883-Rohrbach, with SCS
SB 685-Bland, with SCS
SB 765-Kenney, with SCS

SB 643-Schneider
SB 836-Mueller
SB 877-Sims
SB 573-House

RESOLUTIONS

SR 1185-Schneider

SR 1204-Goode

Reported from Committee

SR 1035-Steelman

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