

# Journal of the Senate

SECOND REGULAR SESSION

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**THIRTY-THIRD DAY—WEDNESDAY, MARCH 1, 2000**

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The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

“For you have not received the spirit of bondage, whereby we cry, Abba, Father.” (Romans 8:5)

Almighty Father, let us never be afraid to kneel before You and confess our need of Your help and forgiveness. In times of sorrows and hurts, troubles and heartaches and especially those times we have failed You, help us to remember that You are truly our Father and we are Your children. Let us with boldness and confidence ask as dear children to trust always in Your love and mercy and find grace in times of need. And may we love You with childlike affection all the days of our lives. Amen.

The Pledge of Allegiance to the Flag was recited.

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

## **SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **HCS** for **HB 1114**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

The Journal of the previous day was read and approved.

Photographers from the St. Louis Post Dispatch, KRCG-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

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	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel—33

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

## **INTRODUCTION OF BILLS**

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

**SB 1062**—By Howard.

An Act to repeal sections 169.060 and 169.663, RSMo Supp. 1999, relating to disability benefits in teacher and school employee retirement systems, and to enact in lieu thereof two new sections relating to the same subject.

**SB 1063**—By Maxwell.

An Act to amend chapter 205, RSMo, relating

to county health and welfare by adding thereto four new sections relating to the family and community investment trust.

**SB 1064**—By Maxwell.

An Act to repeal sections 260.375, 260.380, 260.391, 260.395, 260.480, 260.535, 260.546, 260.569 and 301.057, RSMo 1994, and sections 260.330, 260.475, 260.479 and 260.500, RSMo Supp. 1999, relating to hazardous waste fees, and to enact in lieu thereof thirteen new sections relating to the same subject.

**SB 1065**—By Goode.

An Act to amend chapter 144, RSMo, by adding thereto seven new sections relating to sales and use taxes.

**SB 1066**—By Bland and Maxwell.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to telecommunity centers.

**SB 1067**—By Bland, Wiggins and Sims.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to firearms and other weapons.

**SB 1068**—By Singleton.

An Act to repeal section 595.218, RSMo 1994, relating to victims of crimes, and to enact in lieu thereof one new section relating to the same subject.

**SB 1069**—By Stoll.

An Act to repeal section 407.295, RSMo 1994, relating to aftermarket automobile parts, and to enact in lieu thereof one new section relating to the same subject.

**SB 1070**—By Kenney.

An Act to repeal section 191.227, RSMo 1994, and section 191.233, RSMo Supp. 1999, relating to medical records, and to enact in lieu thereof one new section relating to the same subject.

### CONCURRENT RESOLUTIONS

Senator Goode offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 29

WHEREAS, the General Assembly finds, for the purpose of streamlining and simplifying sales and use tax imposition and collection for the twenty-first century, that:

Missouri should simplify sales and use taxes to reduce the administrative burden on the collection of sales and use taxes by both single state and multistate taxpayers and vendors;

State and local tax systems should treat transactions in a competitively neutral manner;

A simplified sales and use tax system that treats all transactions in a competitively neutral manner will strengthen and preserve the sales and use tax as vital state and local revenue sources and will preserve state fiscal sovereignty;

Remote sellers should neither receive preferential tax treatment at the expense of local "main street" merchants, nor be burdened with special, discriminatory or multiple taxes; and

While states have the sovereign right to set their own tax policies, states working together have the opportunity to develop a more simple, uniform and fair system of state sales and use taxation without federal government mandates of interference; and

WHEREAS, the General Assembly directs the Missouri Department of Revenue to enter into discussions with other states regarding the development of a multistate, voluntary, streamlined system for sales and use tax collection and administration. Such discussions shall focus on a system that would have the capability to determine whether transactions are taxable or tax exempt, the appropriate tax rate applicable to transactions, the total tax due on transactions, the provision of a method to collect and remit sales and use taxes to the state and the development of a joint request for information from potential public and private parties governing the specification for the system; and

WHEREAS, discussions between the Department of Revenue and other states may also include, but shall not be limited to providing compensation for the costs of collecting and remitting sales and use taxes; the mechanism for compensating parties for the development and operation of such system; the establishment of minimum statutory simplification measures necessary for state participation in such system; and the establishment of measures to preserve confidentiality of taxpayer information and privacy rights of consumers; and

WHEREAS, upon the conclusion of its discussions with other states, the Department of Revenue shall issue a joint request for information; and

WHEREAS, the Department of Revenue is authorized to participate in a sales tax pilot project with other states and selected businesses to test means for simplifying sales and use tax administration, and to enter into joint agreements, which terminate no later than December 31, 2001, for that purpose. Agreements to

participate in the test shall establish provisions for the administration, imposition and collection of sales and use taxes resulting in revenues paid that are equal to those that would otherwise be paid pursuant to chapter 144, RSMo. Parties to the agreements are excused from complying with the provisions of chapter 144, RSMo, to the extent a different procedure is required by the agreements, except for confidentiality of taxpayer information as discussed in this resolution; and

WHEREAS, tax return information submitted to any party or parties' action for and on behalf of this state shall be treated as confidential taxpayer information. Disclosure of confidential taxpayer information shall only be made pursuant to a written agreement between the Department of Revenue and the party or parties. Such party or parties shall be bound by the same requirements of confidentiality as the Department of Revenue pursuant to section 32.057, RSMo; and

WHEREAS, the General Assembly herein creates the Multistate Tax Compact Advisory Committee to provide legislative oversight of this effort. The committee shall consist of two members of the Senate appointed by the President Pro Tem, two members of the House of Representatives appointed by the Speaker, the director of the Department of Revenue, the Attorney General and his or her designee, and a member of the Governor's staff to be designated by the Governor. The committee shall meet on a monthly basis at the request of the director of the Department of Revenue, who shall be the chairman, or more often if requested by a majority of the committee members; and

WHEREAS, the committee shall provide a quarterly report on the progress of the multistate tax discussion and other tax simplification efforts to the President Pro Tem of the Senate, the Speaker of the House of Representatives and the Governor. By October 1, 2001, the committee shall also provide to the President Pro Tem of the Senate, the Speaker of the House of Representatives and the Governor a final report on the status of multistate discussions, including information as to whether a proposed system has been agreed upon by participating states and whether or not Missouri should participate in such agreed upon system:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby determine that streamlining and simplifying sales and use tax systems in this state will promote commerce in this state and hereby direct the Department of Revenue to work toward the goal of streamlining and simplifying sales and use taxes in this state in a manner as specified herein and as overseen by the Multistate Tax Compact Advisory Committee created herein; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Department of Revenue.

## REPORTS OF STANDING COMMITTEES

Senator DePasco, Chairman of the Committee on Rules, Joint Rules and Resolutions, submitted

the following report:

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCS** for **SB 558**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### SENATE BILLS FOR PERFECTION

Senator Maxwell moved that **SB 858**, with **SCA 1**, be taken up for perfection, which motion prevailed.

**SCA 1** was taken up.

Senator Maxwell moved that the above amendment be adopted, which motion failed.

Senator Mathewson offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 858, Page 4, Section 610.027, Line 14, by inserting immediately after the closing bracket "]" the following: "**knowingly**"; and further amend lines 16-17, by striking all of said lines and inserting in lieu thereof the following: "shall be subject to a civil [fine] **penalty** in the amount of not more than [five hundred dollars and] **five thousand dollars. If the court finds**"; and further amend lines 25-27, by striking all of said lines; and

Further amend said section by renumbering the remaining subsections accordingly.

Senator Mathewson moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Clay assumed the Chair.

Senator Caskey offered **SA 1** to **SA 1**, which was read:

### SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Bill No. 858, Page 1, Line 5, by deleting "**five**" on said line and inserting in lieu thereof "**one**".

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 1 to SA 1** was withdrawn.

Senator Schneider offered **SA 2 to SA 1**:

**SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 1**

Amend Senate Amendment No. 1 to Senate Bill No. 858, Line 5, by striking “five thousand” and substitute “twenty-five hundred” and by adding at line 9 the following: “and amend page 4, line 20, by inserting after “610.026.” the following, “except that the court may assess a penalty of up to five thousand dollars upon a finding that the public body or member acted “purposely” or repeatedly.”

Senator Schneider moved that the above amendment be adopted.

Senator Howard offered **SSA 1 for SA 2 to SA 1**:

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

Amend Senate Amendment No. 1 to Senate Bill No. 858, Page 4, Section 610.027, Lines 16-17, by deleting all of line 16 after the word “than]” and all of line 17 through the period “.” and inserting in lieu thereof the following: “specified below:

If the governmental body represents a population of less than one thousand.....\$100

If the governmental body represents a population of greater than one thousand and less than ten thousand.....500

If the governmental body represents a population of greater than ten thousand and less than twenty-five thousand.....1,000

If the governmental body represents a population of greater than twenty-five thousand and less than one hundred thousand.....2,500

If the governmental body represents a population of one hundred thousand or more.....5,000”.

Senator Howard moved that the above substitute amendment be adopted.

Senator Schneider raised the point of order that **SSA 1 for SA 2 to SA 1** is out of order as the substitute amendment goes beyond the 2nd degree.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed the bill on the Informal Calendar.

**INTRODUCTION OF BILLS**

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

**SB 1071**—By Sims.

An Act to amend chapter 660, RSMo, by adding thereto one new section relating to employee disqualification.

**SB 1072**—By Wiggins.

An Act to amend chapter 565, RSMo, relating to offenses against the person by adding thereto one new section relating to the commission on the death penalty.

**SB 1073**—By Wiggins and Bland.

An Act to repeal section 238.060, RSMo 1994, relating to transportation authorities in certain cities and counties, and to enact in lieu thereof one new section relating to the same subject.

**SB 1074**—By Wiggins.

An Act relating to economic assistance for the promotion of business development.

**SB 1075**—By Jacob.

An Act to repeal section 288.050, RSMo Supp. 1999, relating to employment security, and to enact in lieu thereof one new section relating to the same subject.

**SB 1076**—By Ehlmann.

An Act to repeal sections 67.619, 92.045, 92.120, 94.510 and 509.290, RSMo 1994, and sections 99.805 and 253.550, RSMo Supp. 1999, relating to revitalization of St. Louis city, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

**SB 1077**—By Clay.

An Act to amend chapter 610, RSMo, by adding thereto one new section relating to access to student records.

**SB 1078**—By Graves.

An Act to amend chapter 620, RSMo, by

adding thereto one new section relating to tourist information centers in certain counties.

**SB 1079**—By Graves.

An Act to repeal section 307.170, RSMo Supp. 1999, relating to motor vehicle equipment, and to enact in lieu thereof one new section relating to the same subject.

**SB 1080**—By Graves.

An Act to repeal section 307.350, as both versions appear in RSMo Supp. 1999, relating to motor vehicle inspections, and to enact in lieu thereof one new section relating to the same subject.

### CONCURRENT RESOLUTIONS

Senator Ehlmann offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 30

WHEREAS, the Highways and Transportation Commission may, within the limits set by the General Assembly, authorize the contracting of an indebtedness and the issuance of bonds for the purpose of providing funds for use in highway and bridge construction and repairs in the state; and

WHEREAS, the General Assembly is required to specify by concurrent resolution the total amount of bonds which may be issued on each separate issuance of bonds:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninetieth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby limit the total amount of bonds issued pursuant to Section 226.133, RSMo, to two billion dollars; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the chairman of the Highways and Transportation Commission.

On motion of Senator DePasco, the Senate recessed until 2:00 p.m.

### RECESS

The time of recess having expired, the Senate was called to order by Senator Mathewson.

### INTRODUCTION OF BILLS

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

**SB 1081**—By Howard.

An Act to amend chapters 198 and 660, RSMo, by adding thereto two new sections relating to nursing homes.

**SB 1082**—By Bland.

An Act to amend chapter 590, RSMo, relating to peace officers by adding thereto one new section relating to profiling for traffic stops.

**SB 1083**—By Bland.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the establishment of a needle exchange program.

### INTRODUCTIONS OF GUESTS

Senator Howard introduced to the Senate, Emily, Silas, Joshua and Brenda Allen, Naylor; and Emily and Silas were made honorary pages.

Senator Howard introduced to the Senate, Ben Counce, Lugenia Counce, Sharon Gardner, Roger Van Ausdall, Cindy Grissom and eight fourth grade students from Caruthersville Elementary School, Caruthersville; and Trisha Counce, Allison Gardner, Tonya Linton, Alison Walls, Jane Clare Maners, Jacob Van Ausdall, Brenton Miller and Sarah Jo Grissom were made honorary pages.

Senator Howard introduced to the Senate, Mark North, Poplar Bluff.

Senator Howard introduced to the Senate, Andy Van Bebber, Bloomfield; and Dennis and Cheryl Boggess, Dexter.

Senator Kinder introduced to the Senate, Howard Haman, Chris Hoehne, Gwen Allen and Linda Hogan, Fredericktown; and Carol Brice and Betty Voss, Cape Girardeau.

Senator Rohrbach introduced to the Senate, Whitney and Dexter Duncan, Lincoln; and J.D. Johnson, Benton County; and Whitney and Dexter were made honorary pages.

On behalf of Senator Graves, Senator Kenney introduced to the Senate, Mayor Tim Whitaker, Trenton High School students and members of the Trenton Chamber of Commerce.

On behalf of Senator Graves and herself,

Senator Bentley introduced to the Senate, Betty Preston, Trenton.

Senator Howard introduced to the Senate, Cathey Daniels, Matthews; Barbara Robinson, Lilbourn; and Don Phillips, Portageville.

Senator Flotron introduced to the Senate, John Bresnahan, Creve Couer.

Senator Mathewson introduced to the Senate, twenty-four fourth and eighth grade students from

Pettis County R-XII School, Sedalia; and Patrick Hawkins, Jessica Hopper, Jasmine Kelley and Garney Hall were made honorary pages.

Senator Bland introduced to the Senate, Dr. Robert R. Wheeler, Kansas City.

Senator Flotron introduced to the Senate, Chris Erkmann, M.D., St. Louis.

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

# Unofficial

## SENATE CALENDAR

THIRTY-FOURTH DAY—THURSDAY, MARCH 2, 2000

### FORMAL CALENDAR

#### SECOND READING OF SENATE BILLS

SB 1050-House  
 SB 1051-Staples  
 SB 1052-Goode and Bland  
 SB 1053-Goode, et al  
 SB 1054-Clay  
 SB 1055-Kenney  
 SB 1056-Howard  
 SB 1057-Rohrbach  
 SB 1058-Singleton  
 SB 1059-Westfall  
 SB 1060-Yeckel  
 SB 1061-DePasco  
 SB 1062-Howard  
 SB 1063-Maxwell  
 SB 1064-Maxwell  
 SB 1065-Goode  
 SB 1066-Bland and Maxwell

SB 1067-Bland and Wiggins  
 SB 1068-Singleton  
 SB 1069-Stoll  
 SB 1070-Kenney  
 SB 1071-Sims  
 SB 1072-Wiggins  
 SB 1073-Wiggins and Bland  
 SB 1074-Wiggins  
 SB 1075-Jacob  
 SB 1076-Ehlmann  
 SB 1077-Clay  
 SB 1078-Graves  
 SB 1079-Graves  
 SB 1080-Graves  
 SB 1081-Howard  
 SB 1082-Bland  
 SB 1083-Bland

#### 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  
HCS for HB 1074  
HB 1186-Gratz and Vogel

HS for HCS for HBs 1215 &  
1240-Smith  
HB 1452-Foley and Levin  
HS for HCS for HB 1742-Koller

### THIRD READING OF SENATE BILLS

SS for SB 576-Maxwell  
(In Budget Control)  
SB 618-Rohrbach  
(In Budget Control)  
SB 642-Schneider and  
Wiggins  
(In Budget Control)

SS#2 for SCS for SBs 757 &  
602-Maxwell & Bland  
(In Budget Control)  
SB 741-Maxwell  
(In Budget Control)  
SCS for SB 721-Caskey  
(In Budget Control)  
SCS for SB 558-Howard

### SENATE BILLS FOR PERFECTION

1. SB 729-House, with SCS  
2. SB 577-Maxwell, with SCS  
4. SJR 46-Goode, et al,  
with SCS  
4. SBs 807, 553, 574,  
614, 747 & 860-  
Jacob, with SCS

5. SBs 771, 849 & 822-  
DePasco, with SCS  
6. SJR 35-Goode, et al  
7. SB 803-Goode, et al,  
with SCS  
8. SJR 53-Quick

### INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SBs 545, 628, 647, 728,  
834 & 832-Staples,  
with SCS (pending)  
SB 597-Steelman, with SCS  
& SA 2 (pending)  
SBs 599 & 531-Schneider,  
with SCS (pending)

SB 610-Staples and  
DePasco, with SA 3  
(pending)  
SBs 678 & 742-Schneider,  
with SCS & SS for SCS  
(pending)

SB 763-Howard, with SCS &  
 SS for SCS (pending)  
 SB 813-House, with SS &  
 SA 5 (pending)  
 SB 827-Scott, et al  
 SB 858-Maxwell, with SA 1,  
 SA 2 to SA 1, SSA 1  
 for SA 2 to SA 1 &  
 point of order (pending)  
 SBs 867 & 552-Maxwell,  
 with SCS, SS for SCS,  
 SA 4 & SA 1 to SA 4  
 (pending)

SBs 934, 546, 578, 579 &  
 782-Caskey, with SCS &  
 SS#2 for SCS (pending)  
 SJR 31-Schneider  
 SJRs 45 & 41-House, with  
 SCS (pending)  
 SJR 47-Quick, et al, with  
 SCS, SS for SCS, SA 1,  
 SSA 1 for SA 1 & point  
 of order (pending)

Unofficial

### CONSENT CALENDAR

#### Senate Bills

Reported 2/7

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

Journal

Reported 2/15

SB 743-Klarich, with SCA 1  
 (In Budget Control)

SB 740-Wiggins

Copy

Reported 2/21

SB 894-Quick, with SCS  
 SB 893-Quick, with SCS  
 SB 633-Childers and  
 Russell, with SCS

SB 541-Mathewson, with  
 SCS

Reported 2/22

SBs 617 & 646-Johnson, with SCS  
 (In Budget Control)  
 SB 907-Caskey

SB 942-Rohrbach  
 SB 914-Schneider and  
 House



SB 881-Wiggins  
SB 922-Scott

SB 910-Stoll  
SB 975-DePasco

Reported 2/28

SB 924-Maxwell  
SB 801-Mathewson, with SCS  
SB 542-Mathewson, with SCS  
SB 753-DePasco  
SB 921-Scott

SB 976-Sims, et al, with SCS  
SB 985-Maxwell, with SCA 1  
SB 806-Jacob, with SCS  
SB 555-Singleton

Unofficial

Reported 2/29

SB 915-Clay

SB 896-Klarich, with SCS

RESOLUTIONS

SR 1185-Schneider  
SR 1204-Goode

SR 1303-Klarich

Journal

To be Referred

SCR 29-Goode

SCR 30-Ehlmann

Copy

Reported from Committee

SR 1035-Steelman  
SCR 21-Clay and Scott  
SR 1034-Schneider

SCR 27-Maxwell, et al,  
with SCA 1