

# Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FOURTH DAY—THURSDAY, MARCH 2, 2000

The Senate met pursuant to adjournment.

Vacancies—1

President Pro Tem Quick in the Chair.

The Lieutenant Governor was present.

The Reverend Carl Gauck offered the following prayer:

Psalm 55:6: “And I said, Oh, that I had wings like a dove! For then would I fly away and be at rest.”

Creator God, amid all the pressures and demands on us it is nice to return to our homes; but even there, there are obligations and responsibilities that need to be addressed and it would be nice to “fly away” from everything. But You have promised to be with us and help us “stay the course.” Whatever we do let us do it heartily in service to You and help us discover joy and contentment in our serving. Watch over us this weekend, our “going out and coming in” and bless us in our resting. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

Bentley	Bland	Caskey	Childers
Clay	DePasco	Ehlmann	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—32

Absent with leave—Senator Flotron—1

## RESOLUTIONS

Senators Maxwell, Clay and Bland offered Senate Resolution No. 1304, regarding Terrence F. Pudlowski, St. Louis, which was adopted.

Senator Kenney offered Senate Resolution No. 1305, regarding Bridget Brown, Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 1306, regarding SuccessLink, which was adopted.

Senator Mathewson offered Senate Resolution No. 1307, regarding the Sedalia Symphony Orchestra, which was adopted.

Senator Johnson assumed the Chair.

## REPORTS OF STANDING COMMITTEES

Senator Mathewson, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SB 743**, with **SCA 1**; **SB 741**; **SCS** for **SB 721**; **SB 709**, with **SCA 1**; **SB 642**; **SB 618**; **SS** for **SB 576**; and **SS No. 2** for **SCS** for **SBs 757** and **602**, begs leave to report that it has considered the same and recommends that the bills do pass.

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

Mr. President: Your Committee on Judiciary,

to which was referred **SB 697**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Wiggins, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 604**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 850**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Caskey, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 1049**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 944**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 944, Page 1, In the Title, Line 3, by striking the word "two" and inserting in lieu thereof the word "three"; and further amend line 3, by inserting immediately after the word "subject" the following: ", with penalty provisions"; and

Further amend said bill, Page 1, Section A, Line 2, by striking the word "two" and inserting in lieu thereof the word "three"; and further amend said line by striking the word "and" and inserting in lieu thereof a comma ","; and further amend line 3, by inserting immediately after the numeral

"167.117" the following: "and 574.115"; and

Further amend said bill, Page 7, Section 167.117, Line 29, by inserting after all of said line the following:

**"574.115. 1. A person commits the crime of making a terrorist threat if such person communicates a threat to commit a felony, a knowingly false report concerning the commission of any felony, or a knowingly false report concerning the occurrence of any catastrophe:**

**(1) For the purpose of frightening or disturbing ten or more people;**

**(2) For the purpose of causing the evacuation or closure of any building, inhabitable structure, place of assembly or facility of transportation; or**

**(3) With reckless disregard of the risk of causing the evacuation or closure of any building, inhabitable structure, place of assembly or facility of transportation.**

**2. Making a terrorist threat is a class C felony unless committed pursuant to subsection 3 of this section, in which case it is a class D felony.**

**3. As used in this section:**

**(1) The term "threat" means an express or implied threat but does not include a report made in good faith for the purpose of preventing harm; and**

**(2) The term "catastrophe" is defined in section 569.070, RSMo."**

#### SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 944, Page 1, In the Title, Line 3, by striking the word "two" and inserting in lieu thereof the word "three"; and further amend line 3, by inserting immediately after the word "subject" the following: ", with penalty provisions"; and

Further amend said bill, Page 1, Section A, Line 2, by striking the word "two" and inserting in lieu thereof the word "three"; and further amend said line by striking the word "and" and inserting in lieu thereof a comma ","; and further amend line 3,

by inserting immediately after the numeral "167.117" the following: "and 569.155"; and

Further amend said bill, Page 7, Section 167.117, Line 29, by inserting after all of said line the following:

**"569.155. 1. A person commits the crime of trespass of a school bus if he knowingly and unlawfully enters any part of or unlawfully operates any school bus.**

**2. Trespass of a school bus is a class A misdemeanor.**

**3. For the purposes of this section, the terms "unlawfully enters" and "unlawfully operates" refer to any entry or operation of a school bus which is not:**

**(1) Approved of and established in a school district's written policy on access to school buses; or**

**(2) Authorized by specific written approval of the school board."**

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 802**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Staples, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 1017**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1 and 2.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 1017, Page 2, Section 226.133, Line 19, by inserting after the word "of" the following: "**construction engineering and**".

#### SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 1017, Page 2, Section 226.133, Line 25, by striking the word "thirty" and

inserting in lieu thereof the word "**forty-five**".

Senator Howard, Chairman of the Committee on Aging, Families and Mental Health, submitted the following report:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 744**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 957**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 925**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clay, Chairman of the Committee on Financial and Governmental Organization, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, to which was referred **SB 772**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Education, to which was referred **SB 926**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Maxwell, Chairman of the Committee on Commerce and Environment, submitted the following report:

Mr. President: Your Committee on Commerce

and Environment, to which was referred **SB 826**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 930**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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 **SJR 50**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

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

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 885**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mathewson, Chairman of the Committee on Local Government and Economic Development, submitted the following report:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 902**, begs leave to report that it has considered the same and recommends that the bill do pass.

President Wilson assumed the Chair.

### RESOLUTIONS

Senator Klarich moved that **SB 1303** be taken up for adoption, which motion prevailed.

On motion of Senator Klarich, **SB 1303** was adopted.

### SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 678** and **SB 742**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SCS** for **SBs 678** and **742** was again taken up.

Senator Schneider offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 22, Section 478.037, Lines 18-25, by striking all of said lines; and further amend said bill and section, pages 23-24, by striking all of said pages and inserting in lieu thereof the following:

**“478.037. 1. A commissioner or deputy commissioner appointed pursuant to sections 66.010, 211.023, 478.003, 478.265, 478.266, 478.267, 478.268, 478.466, 479.500 or 487.020, RSMo, shall prepare written findings and recommendations in any case or proceeding assigned to the commissioner or deputy commissioner. The commissioner or deputy commissioner shall file the written findings and recommendations with a judge exercising authority pursuant to article V of the constitution, together with the papers related to the case. The court may adopt the findings and recommendations of the commissioner, and shall provide written notice of the judgment of the court, by regular first class mail or such other service as directed by the court, to the parties whose case or proceeding was heard by the commissioner and, where appropriate, to the juvenile, the juvenile’s custodian, and any other person that the court may direct. Any party receiving such notice may file written objections to the findings and recommendations within fifteen days after mailing thereof, and shall serve copies of such objections on all other parties. If objections are filed, or if the court proposes action other than the adoption of the report, the court, after a hearing on the objections, unless such hearing is waived by the parties, may sustain the findings and recommendations or may modify or reject the**

**findings and recommendations, in whole or in part, or may receive further evidence, or may return the case or proceeding to the commissioner or deputy commissioner, with instructions.”; and**

Further amend said bill and section, page 25, line 1, by striking the figure “3.” on said line and inserting in lieu thereof the figure “2.”; and

Further amend the title and enacting clause accordingly.

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

Senator Mathewson assumed the Chair.

Senator Schneider offered **SA 2:**

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 39, Section 537.675, Lines 20-25, by striking the bold-face type appearing on said lines; and amend page 40, lines 1 to 19, by striking all of said lines and substitute the following:

**“537.678. 1. All payments received”.**

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Russell, Singleton and Steelman.

Senator Johnson assumed the Chair.

**SA 2** was adopted by the following vote:

YEAS—Senators

Bentley	Caskey	Childers	Ehlmann
House	Jacob	Johnson	Kinder
Rohrbach	Russell	Schneider	Scott
Sims	Stelman	Stoll	Wiggins—16

NAYS—Senators

Bland	Clay	DePasco	Goode
Graves	Howard	Kenney	Klarich
Mathewson	Maxwell	Mueller	Singleton
Westfall	Yeckel—14		

Absent—Senators

Quick	Staples—2
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Absent with leave—Senator Flotron—1

Vacancies—1

Senator Singleton offered **SA 3:**

**SENATE AMENDMENT NO. 3**

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 11, Section 196.790, Line 11, by inserting after all of said line the following:

“211.185. 1. In addition to the court's authority to issue an order for the child to make restitution or reparation for the damage or loss caused by his offense as provided in section 211.181, the court may enter a judgment of restitution against both the parent and the child pursuant to the provisions of this section if the court finds that the parent has failed to exercise reasonable parental discipline or authority to prevent the damage or loss and the child has:

(1) Stolen, damaged, destroyed, converted, unlawfully obtained, or substantially decreased the value of the property of another; or

(2) Inflicted personal injury on another, requiring the injured person to incur medical, dental, hospital, funeral, or burial expenses.

2. The court may order both the parent and the child to make restitution to:

(1) The victim;

(2) Any governmental entity; or

(3) A third-party payor, including an insurer, that has made payment to the victim to compensate the victim for a property loss or a pecuniary loss under subdivisions (1) and (2) of subsection 1 of this section.

3. Restitution payments to the victim have priority over restitution payments to a third-party payor. If the victim has been compensated for the victim's loss by a third-party payor, the court may order restitution payments to the third-party payor in the amount that the third-party payor compensated the victim.

4. Payment of restitution to a victim under this section has priority over payment of restitution to any governmental entity.

5. Considering the age and circumstances of a child, the court may order the child to make

restitution to the wronged person personally.

6. A restitution hearing to determine the liability of the parent and the child shall be held not later than thirty days after the disposition hearing and may be extended by the court for good cause. In the restitution hearing, a written statement or bill for medical, dental, hospital, funeral, or burial expenses shall be prima facie evidence that the amount indicated on the written statement or bill represents a fair and reasonable charge for the services or materials provided. The burden of proving that the amount indicated on the written statement or bill is not fair and reasonable shall be on the person challenging the fairness and reasonableness of the amount.

7. A judgment of restitution against a parent may not be entered unless the parent has been afforded a reasonable opportunity to be heard and to present appropriate evidence in his behalf. The parent shall be advised of his right to obtain counsel for representation at the hearing. A hearing under this section may be held as part of an adjudicatory or disposition hearing for the child.

8. The judgment may be enforced in the same manner as enforcing monetary judgments.

9. A judgment of restitution ordered pursuant to this section against a child and his parents shall not be a bar to a proceeding against the child and his parents pursuant to section 537.045, RSMo, or section 8.150, RSMo, for the balance of the damages not paid pursuant to this section. In no event, however, may the total restitution paid by the child and his parents pursuant to this section, section 8.150, RSMo, and section 537.045, RSMo, exceed [four] **twenty** thousand dollars.

10. The child may be ordered to work in a court-approved community service work site at a rate of compensation not to exceed minimum wage. The number of hours worked shall be reported to the juvenile officer and the compensation earned for these hours shall be used for the sole purpose of satisfying the judgment entered against the child in accordance with this section. Upon application by the juvenile officer made with the juvenile court's written approval, the clerk of the court of the circuit where the fund is deposited and where a

judgment has been entered in accordance with this section shall pay the compensation earned by the child to the person in whose favor the judgment has been entered.

11. Notwithstanding any other provision of this section to the contrary, a judgment of restitution ordered pursuant to this section against a child may be executed upon after the child attains the age of eighteen years.

537.045. 1. The parent or guardian, excluding foster parents, of any unemancipated minor, under eighteen years of age, in their care and custody, against whom judgment has been rendered for purposely marking upon, defacing or in any way damaging any property, shall be liable for the payment of that judgment up to an amount not to exceed [two] **twenty** thousand dollars, provided that the parent or guardian has been joined as a party defendant in the original action. The judgment provided in this subsection to be paid shall be paid to the owner of the property damaged, but such payment shall not be a bar to any criminal action or any proceeding against the unemancipated minor for such damage for the balance of the judgment not paid by the parent or guardian.

2. The parent or guardian, excluding foster parents, of any unemancipated minor, under eighteen years of age, in their care and custody, against whom judgment has been rendered for purposely causing personal injury to any individual, shall be liable for the payment for that judgment up to an amount not to exceed [two] **twenty** thousand dollars, provided that the parent or guardian has been joined as a party defendant in the original action. The judgment provided in this subsection to be paid shall be paid to the person injured, but such payment shall not be a bar to any criminal action or any proceeding against the unemancipated minor for such damage for the balance of the judgment not paid by the parent or guardian.

3. Upon rendering a judgment in any proceeding under this section, the judge may order the parent or guardian, and the minor who damaged the property or caused the personal injury, to work for the owner of the property damaged or the person injured in lieu of payment, if the parent, minor and the owner of the property damaged or

the person injured are agreeable.”; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Caskey raised the point of order that SA 3 is out of order as it goes beyond the scope and intent of the legislation.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 3 was again taken up.

Senator Singleton moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Ehlmann, Rohrbach and Steelman.

SA 3 was adopted by the following vote:

YEAS—Senators

Bentley	DePasco	Ehlmann	House
Howard	Johnson	Kinder	Maxwell
Mueller	Quick	Schneider	Sims
Singleton	Stelman	Wiggins	Yeckel—16

NAYS—Senators

Bland	Caskey	Childers	Clay
Goode	Graves	Jacob	Kenney
Mathewson	Rohrbach	Russell	Stoll
Westfall—13			

Absent—Senators

Klarich	Scott	Staples—3
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Absent with leave—Senator Flotron—1

Vacancies—1

Senator Rohrbach offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 60, Section 621.198, Line 21, by adding immediately after said line the following:

“650.055. 1. Every individual convicted in a Missouri circuit court, of a felony, defined as a violent offense under chapter 565, RSMo, or as a

sex offense under chapter 566, RSMo, excluding sections 566.010 and 566.020, RSMo, shall have a blood or scientifically accepted biological sample collected for purposes of DNA profiling analysis:

(1) Upon entering the department of correction's reception and diagnostic centers; or

(2) Before release from a county jail or detention facility; or

(3) If such individual is under the jurisdiction of the department of corrections on or after August 28, 1996. Such jurisdiction includes persons currently incarcerated, persons on probation, as defined in section 217.650, RSMo, and on parole, as also defined in section 217.650, RSMo.

**Any evidence leading to a conviction of a felony described in this subsection which has been or can be tested for DNA shall be preserved by the Missouri state highway patrol.**

2. The Missouri state highway patrol and department of corrections shall be responsible for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to this section shall be required to provide such sample, without the right of refusal, at a collection site designated by the Missouri state highway patrol and the department of corrections. Authorized personnel collecting or assisting in the collection of samples shall not be liable in any civil or criminal action when the act is performed in a reasonable manner. Such force may be used as necessary to the effectual carrying out and application of such processes and operations. The enforcement of these provisions by the authorities in charge of state correctional institutions and others having custody of those convicted of the felony which shall not be set aside or reversed, is hereby made mandatory.

3. The procedure and rules for the collection, analysis, storage, expungement, use of DNA database records and privacy concerns shall not conflict with procedures and rules applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA data bank system.

4. Unauthorized uses or dissemination of individually identifiable DNA information in a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

5. Implementation of section 650.050 and this section shall be subject to future appropriations to keep Missouri's DNA system compatible with the Federal Bureau of Investigation's DNA data bank system.

**6. A defendant convicted of any felony listed in subsection 1 of this section may make a motion before the trial court that entered the judgment of conviction in his or her case for DNA testing on the defendant and on evidence that was secured in relation to the trial which resulted in the conviction. The defendant shall serve notice of the motion upon the prosecuting attorney of the county in which the conviction occurred. The defendant shall present a prima facie case that identity was a contested issue in the defendant's trial. If the defendant establishes a prima facie case, and the trial court determines that the results of the testing have the scientific potential to produce new, noncumulative evidence materially relevant to the defendant's assertion of actual innocence, the trial court shall order the state to compare DNA test results regarding the trial evidence and the defendant."**; and

Further amend the title and enacting clauses accordingly.

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

Senator Wiggins offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 11, Section 196.790, Line 11, by inserting after all of said line the following:

"213.111. 1. If, after one hundred eighty days from the filing of a complaint alleging an unlawful discriminatory practice pursuant to section 213.055, 213.065 or 213.070 to the extent that the alleged violation of section 213.070 relates to or involves a violation of section 213.055 or 213.065, or subdivision (3) of section 213.070 as it relates to employment and public accommodations, the commission has not completed its administrative processing and the person aggrieved so requests in writing, **or when the commission has terminated**

**its administrative processing of a complaint**, the commission shall issue to the person claiming to be aggrieved a letter indicating his or her right to bring a civil action within ninety days of such notice against the respondent named in the complaint. If, after the filing of a complaint pursuant to sections 213.040, 213.045, 213.050 and 213.070, to the extent that the alleged violation of section 213.070 relates to or involves a violation of sections 213.040, 213.045 and 213.050, or subdivision (3) of section 213.070 as it relates to housing, and the person aggrieved so requests in writing, the commission shall issue to the person claiming to be aggrieved a letter indicating his or her right to bring a civil action within ninety days of such notice against the respondent named in the complaint. Such an action may be brought in any circuit court in any county in which the unlawful discriminatory practice is alleged to have occurred, either before a circuit or associate circuit judge. Upon issuance of this notice, the commission shall terminate all proceedings relating to the complaint. No person may file or reinstate a complaint with the commission after the issuance of a notice [under] **pursuant to** this section relating to the same practice or act. Any action brought in court [under] **pursuant to** this section shall be filed within ninety days from the date of the commission's notification letter to the individual but no later than two years after the alleged cause occurred or its reasonable discovery by the alleged injured party. **If any action is commenced within the times prescribed by this section, section 516.230, RSMo, shall apply to the action. Such action shall be tried before a jury if a trial by jury is requested by either party.**

2. The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual and punitive damages, and may award court costs and reasonable attorney fees to the prevailing party, other than a state agency or commission or a local commission; except that, a prevailing respondent may be awarded court costs and reasonable attorney fees only upon a showing that the case is without foundation."; and

Further amend said title, enacting clause and

intersectional references accordingly.

Senator Wiggins moved that the above amendment be adopted.

President Pro Tem Quick assumed the Chair.

Senator Mathewson assumed the Chair.

Senator Kenney offered **SA 1 to SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 3, Section 213.111, Line 1, by inserting after the word “party.” the following: **“venue for any jury trial pursuant to this section shall be in the circuit court of the county in which the incident is alleged to have occurred. In cases where the alleged incident is said to occur took place in the county of Jackson or the city of St. Louis, venue for any jury trial pursuant to this section shall be in the circuit court of an adjoining county.”**

Senator Kenney moved that the above amendment be adopted.

President Pro Tem Quick assumed the Chair.

Senator Ehlmann offered **SSA 1 for SA 1 to SA 5**:

SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 2, Section 213.111, Line 22 after the word “commenced”, by adding: “in any county of the State of Missouri which does not have a Federal Courthouse.”; and

Further amend said amendment at the end of the amendment by adding the following: “The provisions of this section are non-severable.”.

Senator Ehlmann moved that the above substitute amendment be adopted.

Senator Schneider raised the point of order that **SSA 1 for SA 1 to SA 5** is out of order as the substitute amendment is in the third degree.

Senator Mathewson assumed the Chair.

The point of order was referred to the President Pro Tem.

At the request of Senator Schneider, the point of order was withdrawn.

**SSA 1 for SA 1 to SA 5** was again taken up.

At the request of Senator Ehlmann, the above amendment was withdrawn.

**SA 1 to SA 5** was again taken up.

At the request of Senator Kenney, the above amendment was withdrawn.

**SA 5** was again taken up.

Senator Ehlmann offered **SA 2 to SA 5**, which was read:

SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 2, Section 213.111, Line 3, by inserting after the word “practice,” the following: “by the State of Missouri or any of its political subdivisions.”.

Senator Ehlmann moved that the above amendment be adopted.

At the request of Senator Ehlmann, the above amendment was withdrawn.

Senator Ehlmann offered **SA 3 to SA 5**:

SENATE AMENDMENT NO. 3 TO  
SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 2, Section 213.111, Line 21, by inserting after the word “action” the following: **“alleging an unlawful discriminatory practice by the state of Missouri or any of its political subdivisions”**.

Senator Ehlmann moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Kenney, Mueller and Wiggins.

**SA 3 to SA 5** failed of adoption by the following vote:

## YEAS—Senators

Bentley	Childers	Ehlmann	Graves
Kenney	Kinder	Klarich	Mueller
Rohrbach	Russell	Sims	Singleton
Westfall	Yeckel—14		

## NAYS—Senators

Bland	Caskey	Clay	DePasco
Goode	House	Howard	Jacob
Mathewson	Maxwell	Quick	Schneider
Steelman	Stoll	Wiggins—15	

## Absent—Senators

Johnson	Scott	Staples—3
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Absent with leave—Senator Flotron—1

Vacancies—1

**SA 5** was again taken up.

Senator Rohrbach offered **SA 4** to **SA 5**:

SENATE AMENDMENT NO. 4 TO  
SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 678 and 742, Page 2, Section 213.111, Last line, by inserting before the word “if” the following: “**only**”; and further amend said line, by striking the word “either” and inserting in lieu thereof “both parties”; and further amend said amendment, page 3, line 1, by striking the word “party”.

Senator Rohrbach moved that the above amendment be adopted.

Senator Clay assumed the Chair.

Senator Schneider requested a roll call vote be taken on the adoption of **SA 4** to **SA 5** and was joined in his request by Senators Bland, Maxwell, Russell and Westfall.

At the request of Senator Schneider, **SB 678** and **SB 742**, with **SCS**, **SS** for **SCS**, **SA 5** and **SA 4** to **SA 5** (pending), were placed on the Informal Calendar.

### REFERRALS

President Pro Tem Quick referred **SCR 29** and **SCR 30** to the Committee on Rules, Joint Rules

and Resolutions.

### REPORTS OF STANDING COMMITTEES

Senator Quick, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Will E. McCarther, Robert R. Wheeler and Julius C. Dix, as members of the Lincoln University Board of Curators;

Also,

Ricardo D. Jones, as student representative of the Lincoln University Board of Curators;

Also,

Janice S. Ellis, as a public member of the Missouri State Board of Accountancy;

Also,

Sandra D. Kauffman, as a member of the Coordinating Board for Higher Education;

Also,

Sheilah Clarke-Ekong, as a public member and Barry D. Spoon, as a member of the State Board of Registration for the Healing Arts;

Also,

Marion Cairns, as a member of the Missouri Commission on Human Rights;

Also,

Lynda M. Quan, as a member of the State Committee for Social Workers;

Also,

Melinda Jurgeson Christianson, as a member of the Advisory Commission for Physical Therapists;

Also,

George R. Johnstone and Glenn E. Good, as

members of the State Committee on Psychologists;

Also,

Floyd A. Kimbrough, as a member and chair, and Joan M. Crawford, as a member of the Board of Election Commissioners for St. Louis City;

Also,

Susan L. Constance, as a member of the Missouri Development Finance Board;

Also,

Dorothy A. "Dottie" Phelps, as a public member of the Missouri Real Estate Appraisers Commission;

Also,

Mark A. Terry, Nathan R. Williams, William C. Brandes and Diana G. Fendya, as members of the State Advisory Council on Emergency Medical Services.

Senator Quick moved that the Senate do give its advice and consent to the above reports and the vote be taken in one motion.

Senator Klarich offered a substitute motion that the appointments to the Board of Election Commissioners for St. Louis City be voted on in a separate motion, which motion prevailed.

Senator Quick requested unanimous consent of the Senate to vote on the above reports, except for that of the Board of Election Commissioners for St. Louis City, in one motion. There being no objection, the request was granted.

On motion of Senator Quick, the committee reports were adopted and the Senate gave its advice and consent to the above appointments and reappointments.

Senator Quick moved that the appointments of Floyd A. Kimbrough, as a member and Chair, and Joan M. Crawford, as a member of the Board of Election Commissioners for St. Louis City, be adopted and the Senate do give its advice and consent to said appointments, which motion prevailed.

#### MESSAGES FROM THE HOUSE

The following message was received from the

House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HJR 61**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article X of the Constitution of Missouri, relating to taxation, by adding thereto one new section relating to the tobacco settlement trust fund.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

#### RESOLUTIONS

Senator Howard offered Senate Resolution No. 1308, regarding Verlene Provance, Malden, which was adopted.

Senator Kinder offered Senate Resolution No. 1309, regarding the death of former Senator, the Honorable John Dennis, Scott County, which was adopted.

Senator Westfall offered Senate Resolution No. 1310, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Claude Catt, Bolivar, which was adopted.

Senator Scott offered Senate Resolution No. 1311, regarding the At-Risk Communication Arts Program, which was adopted.

Senator DePasco offered Senate Resolution No. 1312, regarding Elaine W. Joslyn, D.O., Kansas City, which was adopted.

#### INTRODUCTIONS OF GUESTS

Senator Singleton introduced to the Senate, Ben and Elene Fitzpatrick, Jasper.

On behalf of Senator Graves and himself, Senator Kenney introduced to the Senate, Anna and Melissa Barnett, Maryville; and Melissa was made an honorary page.

Senator Yeckel introduced to the Senate, Larry Amen and sixth, seventh and eighth grade students from South Side Christian School, St. Louis County.

Senator Klarich introduced to the Senate, Molly Ann Kuebler and one hundred twenty-five fourth grade students from Chesterfield Elementary School, Chesterfield.

Senator Russell introduced to the Senate, his son, Doug, and his grandson, John C. Russell, Lebanon.

Senator Klarich introduced to the Senate, Anita Honse and Susan and Austin Kneeskern, Jefferson

City; and Chrissy and John Clay Schaeffer, St. Louis; and Austin, Chrissy and John Clay were made honorary pages.

Senator Russell introduced to the Senate, Sandra Ackerman, Dorothy DeWitt and Lois Legg, Lebanon.

On motion of Senator DePasco, the Senate adjourned until 4:00 p.m., Monday, March 6, 2000.

# Unofficial

## SENATE CALENDAR

THIRTY-FIFTH DAY—MONDAY, MARCH 6, 2000

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### FORMAL CALENDAR

## Journal

### SECOND READING OF SENATE BILLS

SB 1050-House	SB 1067-Bland, et al
SB 1051-Staples	SB 1068-Singleton
SB 1052-Goode and Bland	SB 1069-Stoll
SB 1053-Goode, et al	SB 1070-Kenney
SB 1054-Clay	SB 1071-Sims
SB 1055-Kenney	SB 1072-Wiggins
SB 1056-Howard	SB 1073-Wiggins and Bland
SB 1057-Rohrbach	SB 1074-Wiggins
SB 1058-Singleton	SB 1075-Jacob
SB 1059-Westfall	SB 1076-Ehlmann
SB 1060-Yeckel	SB 1077-Clay
SB 1061-DePasco	SB 1078-Graves
SB 1062-Howard	SB 1079-Graves
SB 1063-Maxwell	SB 1080-Graves
SB 1064-Maxwell	SB 1081-Howard
SB 1065-Goode	SB 1082-Bland
SB 1066-Bland and Maxwell	SB 1083-Bland

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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  
HS for HCS for HJR 61-  
Van Zandt

Unofficial

THIRD READING OF SENATE BILLS

SS for SB 576-Maxwell  
SB 618-Rohrbach  
SB 642-Schneider and Wiggins  
SS#2 for SCS for SBs 757 &  
602-Maxwell & Bland

SB 741-Maxwell  
SCS for SB 721-Caskey  
SCS for SB 558-Howard

Journal

SENATE BILLS FOR PERFECTION

1. SB 729-House, with SCS  
2. SB 577-Maxwell, with SCS  
3. 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  
9. SB 697-Schneider, with SCS  
10. SB 604-Wiggins  
11. SB 850-Scott  
12. SB 1049-Caskey, et al

13. SB 944-Caskey, with  
SCAs 1 & 2  
14. SB 802-Goode, et al,  
with SCS  
15. SB 1017-Mathewson,  
et al, with SCAs 1 & 2  
16. SB 744-Klarich  
17. SB 957-Johnson and  
Quick, with SCS  
18. SB 925-Caskey and  
Mathewson, with SCS  
19. SB 772-Goode  
20. SB 926-Stoll and  
House, with SCS  
21. SB 826-Jacob, et al,  
with SCS  
22. SB 930-Jacob, with SCS

Copy

23. SJR 50-Stoll  
 24. SB 885-Mathewson,  
 with SCS

25. SB 902-Mathewson

### 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,  
 SA 5 & SA 4 to SA 5  
 (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)

### CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 709-DePasco, with SCA 1

Reported 2/15

SB 743-Klarich, with SCA 1

SB 740-Wiggins

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

Reported 2/29

SB 915-Clay

SB 896-Klarich, with SCS

RESOLUTIONS

SR 1185-Schneider

SR 1204-Goode

Reported from Committee

SR 1035-Steelman  
SCR 21-Clay and Scott

SR 1034-Schneider  
SCR 27-Maxwell, et al, with SCA 1