

# Journal of the Senate

SECOND REGULAR SESSION

FORTIETH DAY—TUESDAY, MARCH 14, 2000

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

Psalm 111:10: "The fear of the Lord is the beginning of Wisdom."

Creator of all that exist, we know that we live in a time where human knowledge expands at an ever faster rate. But we have also learned that knowledge is certainly different than wisdom. Wisdom comes from making mistakes and learning from them. Give to us the humility to acknowledge before You our failures and repentance in them and to learn from them. And may we with wisdom have Your guidance as we deal with the complex facts and challenges that come before us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal for the previous day was read and approved.

Photographers from the Associated Press, the Senate and St. Louis Post Dispatch 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	Carter	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—34		

Absent with leave—Senators—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Quick offered Senate Resolution No. 1355, regarding Richard J. Gartin, Excelsior Springs, which was adopted.

Senator Mueller offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1356

WHEREAS, the members of the Missouri Senate were truly saddened by the recent death of longtime Show-Me State resident Harrison N. Howe who was born on November 10, 1928, in Little Rock, Arkansas, and moved to St. Louis with his family when he was six years of age; and

WHEREAS, an honorable military veteran, Harrison Howe served in the United States Navy on board aircraft carriers during World War II and again during the Korean Conflict; and

WHEREAS, down through the years Harrison Howe garnered an impressive reputation due to his valued work at Anheuser-Busch Company in St. Louis; DuPont Company's Engineering Services Division in Wilmington, Delaware; Gulf Oil Company's Agricultural Division in Kansas City, Missouri; and Monsanto Company headquarters in St. Louis, employment by which he admirably supported his wonderful family which ultimately included his beloved wife, Virginia; son, James; daughter Victoria; and four grandchildren; and

WHEREAS, a cofounder of FormPak, Incorporated in

Kirkwood, Missouri, Harrison Howe was recently honored as a Fifty-Year member of the national American Society of Mechanical Engineers who also diligently devoted his time and efforts to the leadership of First Presbyterian Church of Kirkwood and of such esteemed community service organizations as the Henry Shaw Cactus Society, Kirkwood Historical Society, Talking Tapes/Textbook on Tapes, Incorporated, Bonhomme Township Republican Club, St. Louis Zoo docents, Junior Achievement, and the Jefferson Club of the University of Missouri; and

WHEREAS, as treasurer of the re-election campaign of the Honorable Walt Mueller, State Senator from District Fifteen, Harrison Howe diligently and effectively traversed the quagmire of ethical reports and thus demonstrated his true friendship; and

WHEREAS, should the Missouri Senate give a Blue Ribbon to those who have made our lives in Missouri a time to remember; and

WHEREAS, should the Missouri Senate Blue Ribbon express appreciation, respect, honor and love for its recipients:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate extend a Blue Ribbon to a richly deserving Harrison N. Howe; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of the late Harrison N. Howe as an expression of our sincerest condolences.

Senator Flotron moved that **SR 1338** be taken up for adoption, which motion prevailed.

Senator Flotron offered **SS** for **SR 1338**:

SENATE SUBSTITUTE FOR  
SENATE RESOLUTION NO. 1338

BE IT RESOLVED by the Senate of the Ninetieth General Assembly, Second Regular Session, that Senate Rule 47 be amended to read as follows:

"Rule 47. 1. Each bill or joint resolution shall, before being finally acted upon by any committee, be submitted to the committee on legislative research for preparation of a fiscal note examining the cost of the proposed legislation to the state for the first two years that public funds will be used to fully implement the provisions of the Act, whether or not the proposed legislation will establish a program or agency that will duplicate an existing program or agency, whether or not there is a federal mandate for the program or agency, whether or not the proposed program or agency will have significant direct fiscal impact upon any political subdivision of the state, or whether or not any new physical facilities will be required.

2. The fiscal note for a bill shall accompany the bill throughout its course of passage, and may from time to time be revised to reflect changes made in the bill prior to its presentation to the governor for his approval.

3. If a joint resolution proposes amending the Constitution or a proposed measure is to be submitted by the General Assembly to the voters and contains ballot language and an official summary statement and fiscal note summary, the

resolution or bill shall be referred to the Committee on Rules, Joint Rules and Resolutions before being considered by the Senate for third reading except as provided herein. The author shall be entitled to a hearing on the resolution or bill but the hearing shall be limited to the reception of testimony presented by the author about the official summary statement and fiscal note summary. The Committee may recommend an amendment or amendments only for the portion of the resolution or bill that contains the proposed official summary statement and fiscal note summary. The committee shall report the resolution bill within five legislative days if referred to it before May 1. On and after May 1, the committee shall report the resolution or bill within one legislative day, except that on and after the second Thursday in May, the resolution or bill shall only be referred to the committee upon request of the sponsor or handler thereof."

Senator Flotron moved that **SS** for **SR 1338** be adopted.

At the request of Senator Flotron, **SR 1338** with **SS** (pending), was referred to the Committee on Rules, Joint Rules and Resolutions.

## REFERRALS

President Pro Tem Quick referred **SCR 32** to the Committee on Rules, Joint Rules and Resolutions.

## 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 **SS** for **SCS** for **SBs 867** and **552**, 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.

## REFERRALS

President Pro Tem Quick referred **SS** for **SCS** for **SBs 867** and **552** to the Committee on State Budget Control.

## THIRD READING OF SENATE BILLS

**SB 921**, introduced by Senator Scott, entitled:

An Act to repeal section 334.120, RSMo Supp. 1999, relating to professional registration, and to enact in lieu thereof one new section relating

to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 921** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators

Ehlmann Singleton—2

Absent with leave—Senators—None

The President Pro Tem declared the bill passed.

On motion of Senator Scott, title to the bill was agreed to.

Senator Scott moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 976**, with **SCS**, introduced by Senator Sims, et al, entitled:

An Act to amend chapter 192, RSMo, by adding thereto two new sections relating to the office on women's health.

Was called from the Consent Calendar and taken up by Senator Sims.

**SCS** for **SB 976**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 976

An Act to amend chapter 192, RSMo, by adding thereto two new sections relating to the office on women's health.

Was taken up.

Senator Sims moved that **SCS** for **SB 976** be adopted, which motion prevailed.

Senator Johnson assumed the Chair.

On motion of Senator Sims, **SCS** for **SB 976** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senator Singleton—1

Absent with leave—Senators—None

The President declared the bill passed.

On motion of Senator Sims, title to the bill was agreed to.

Senator Sims moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 985**, with **SCA 1**, introduced by Senator Maxwell, entitled:

An Act to authorize the conveyance of state property to the Optimist Club Foundation of Mexico Missouri, Inc.

Was called from the Consent Calendar and taken up.

**SCA 1** was taken up.

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

On motion of Senator Maxwell, **SB 985**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Mueller	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins—32

NAYS—Senators—None

Absent—Senators

Quick           Yeckel—2

Absent with leave—Senators—None

The President declared the bill passed.

On motion of Senator Maxwell, title to the bill was agreed to.

Senator Maxwell moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SB 806**, with **SCS**, introduced by Senator Jacob, entitled:

An Act to repeal sections 57.010, 590.100, 590.130, 590.170 and 590.175, RSMo 1994, relating to law enforcement agencies, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 806**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 806

An Act to repeal sections 57.010, 590.100, 590.130, 590.170 and 590.175, RSMo 1994, relating to law enforcement agencies, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Jacob moved that **SCS** for **SB 806** be adopted.

At the request of Senator Jacob, the above

motion was withdrawn.

**SB 555**, introduced by Senator Singleton, entitled:

An Act to amend chapter 253, RSMo, by adding thereto one new section relating to state parks.

Was called from the Consent Calendar and taken up.

On motion of Senator Singleton, **SB 555** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Carter	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
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senators—None

The President declared the bill passed.

On motion of Senator Singleton, title to the bill was agreed to.

Senator Singleton moved that the vote by which the bill passed be reconsidered.

Senator DePasco moved that motion lay on the table, which motion prevailed.

**SENATE BILLS FOR PERFECTION**

Senator Howard moved that **SB 763**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Klarich offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 5, Section 407.1070, Line 23, by inserting

immediately after the word "**merchandise**" the following: "**, other than financial, securities or insurance contracts or services,**".

Senator Klarich moved that the above amendment be adopted.

Senator Wiggins assumed the Chair.

Senator Johnson assumed the Chair.

Senator Childers offered **SA 1 to SA 7**, which was read:

**SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 7**

Amend Senate Amendment No. 7 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 1, Line 4, by adding after the word "services," "but no contract entered into by an entity under this section shall be enforceable concerning a minor involved in any such agreement by means of a mode of telecommunications".

Senator Childers moved that the above amendment be adopted.

At the request of Senator Childers, **SA 1 to SA 7** was withdrawn.

**SA 7** was again taken up.

Senator Klarich moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Flotron, Mathewson and Russell.

**SA 7** failed of adoption by the following vote:

**YEAS—Senators**

Clay	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Mathewson
Mueller	Rohrbach	Russell	Scott
Sims	Stoll	Westfall	
Yeckel—17			

**NAYS—Senators**

Bentley	Bland	Carter	Caskey
Childers	DePasco	Goode	House
Howard	Jacob	Johnson	Maxwell
Quick	Schneider	Singleton	Staples
Wiggins—17			

Absent—Senators—None

Absent with leave—Senators—None

Senator Mathewson assumed the Chair.

Senator Klarich offered **SA 8**:

**SENATE AMENDMENT NO. 8**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill 763, Page 15, Section 407.1085, Lines 20-25 by deleting all of said lines and inserting in lieu thereof the following:

**"(c) By, on behalf of, or to any entity over which either a state or federal agency has regulatory authority with respect to such entity's telemarketing practices, provided that such entities shall only be exempt pursuant to this paragraph if such agency regulates the transactions conducted by telemarketing or the agency has rules regulating the telemarketing practices of such entities."**; and

Further amend said section, page 16, lines 1-5, by deleting said lines.

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

**SA 8** failed of adoption by the following vote:

**YEAS—Senators**

Childers	Ehlmann	Flotron	Graves
Kenney	Kinder	Klarich	Mathewson
Mueller	Rohrbach	Russell	Scott
Sims	Staples	Steelman	Westfall—16

**NAYS—Senators**

Bentley	Bland	Carter	Caskey
Clay	DePasco	Goode	House
Howard	Jacob	Johnson	Maxwell
Quick	Schneider	Singleton	Stoll
Wiggins—17			

Absent—Senator Yeckel—1

Absent with leave—Senators—None

Senator Rohrbach offered **SA 9**:

**SENATE AMENDMENT NO. 9**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 27, Section 407.1340, Line 4 of said page, by adding after the end of said line the following:

"Section 1. When any entity is paid for solicit-

ing contributions via telephone calls, and the pay is based on contributions received as a result of the phone call, the entity making the calls must disclose immediately to all called parties the net percentage of contributions that go to the organization for which the contribution is solicited."; and

Further amend said bill by amending the titling and enacting clauses accordingly.

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

Senator Sims offered **SA 10**:

**SENATE AMENDMENT NO. 10**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 17, Section 407.1098, by striking all of said section; and

Further amend said bill, Pages 17-19, Section 407.1101, by striking all of said section; and

Further amend said bill, Pages 19-20, Section 407.1104, by striking all of said section; and inserting in lieu thereof the following:

**"407.1101. 1. A seller of goods and services who is a telemarketer, as defined in the Federal Trade Commission's Telemarketing Sales Rule, 16 Code of Federal Regulations, Section 310.2, as in effect on January 1, 2000 shall:**

**(1) In April, July, October, and January of each year, obtain subscription listings of consumers in this state who have arranged to be included on the national do-not-call list maintained by the Telephone Preference Service of the Direct Marketing Association, Inc., or its successor organization; and**

**(2) Not call any consumer in this state whose name is on the national do-not-call list unless the seller has an established business relationship with the consumer.**

**2. A person is not in violation of this section if the person obtained the listing of a consumer in accordance with this section but called the consumer as the result of a good faith error.";** and

Further amend said bill, Pages 20-22, Section

407.1110, by striking all of said section; and

Further amend the title and enacting clause accordingly.

Senator Sims moved that the above amendment be adopted.

Senator Childers offered **SA 1 to SA 10**:

**SENATE AMENDMENT NO.1 TO  
SENATE AMENDMENT NO. 10**

Amend Senate Amendment No. 10 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 2, Section 407.1101, Line 5, by adding after the period on said line the following:

**"3. The attorney general shall establish an advisory group composed of government entities, local telecommunications companies, businesses, and senior citizen and other community advocates to compile and promote a list of educational literature to help consumers understand their options with regard to telephone solicitations. The attorney general shall work with local exchange telecommunications companies to disseminate to their residential subscribers information about the availability of and instructions about how to request educational literature from the attorney general. The attorney general may enter into agreements with those companies for the purpose of dissemination the educational literature. The attorney general may also establish an Internet website that informs residential subscribers of their rights to be placed on a no call list and the various methods, including notice the attorney general, of placing their names on this no call list. The attorney general shall have this literature developed for dissemination to the public no later than January 1, 2001."**

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

Senator Johnson assumed the Chair.

**SA 10**, as amended, was again taken up.

Senator Sims moved that the above amendment be adopted.

Senator Howard requested a roll call vote be taken on the adoption of **SA 10**, as amended, and was joined in his request by Senators Childers, House, Mueller and Yeckel.

**SA 10**, as amended, failed of adoption by the following vote:

## YEAS—Senators

Bentley	Childers	Ehlmann	Flotron
Graves	Kinder	Klarich	Mueller
Rohrbach	Russell	Sims	Steelman
Westfall	Yeckel—14		

## NAYS—Senators

Bland	Carter	Caskey	Clay
DePasco	Goode	House	Howard
Jacob	Johnson	Kenney	Mathewson
Maxwell	Quick	Schneider	Stoll
Wiggins—17			

## Absent—Senators

Scott	Singleton	Staples—3
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Absent with leave—Senators—None

Senator Childers offered **SA 11**:

## SENATE AMENDMENT NO.11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 1, In the Title, Line 5 of said title, by inserting immediately after the word "provisions" the following: ", an effective date for certain sections"; and

Further amend said bill, page 18, section 407.1101, lines 9-13 of said page, by striking all of said lines; and further amend said section, by renumbering the remaining subdivisions accordingly; and

Further amend said bill, pages 22 and 23, section 407.1113, by striking all of said section and inserting in lieu thereof the following:

**"407.1113. The attorney general shall establish an advisory group composed of government entities, local telecommunications companies, businesses, and senior citizen and other community advocates to compile and promote a list of educational literature to help consumers understand their options with regard to telephone solicitations. The attorney general**

**shall work with local exchange telecommunications companies to disseminate to their residential subscribers information about the availability of and instructions about how to request educational literature from the attorney general. The attorney general may enter into agreements with those companies for the purpose of dissemination of the educational literature. The attorney general may also establish an Internet website that informs residential subscribers of their rights to be placed on a no call list and the various methods, including notice to the attorney general, of placing their names on this no call list. The attorney general shall have this literature developed for dissemination to the public no later than January 1, 2001."**; and

Further amend said bill, page 27, section 407.1340, line 4 of said page, by inserting immediately after said line the following:

"Section B. The provisions of sections 407.1095 to 407.1110 shall take effect on July 1, 2001."

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

Senator Kenney offered **SA 12**, which was read:

## SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 18, Section 407.1101, Line 17, by placing an "[" before the "," on line 17 and placing a "]" after the ";" on line 18. Further amend said bill, same section, page 18, line 17, by inserting in lieu thereof the following:

**". There shall be no cost to the subscriber for joining the database."**

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

Senator Kenney offered **SA 13**, which was read:

## SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page

19, Section 407.1101, Line 18, by adding immediately after said line the following:

"5. In April, July, October and January of each year, the Attorney General shall be encouraged to obtain subscription listings of consumers in this state who have arranged to be included on any national do-not-call list and add those names to the state do-not-call list."; and renumbering remaining subsections accordingly.

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

Senator Wiggins assumed the Chair.

Senator Rohrbach offered **SA 14**, which was read:

**SENATE AMENDMENT NO. 14**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 15, Section 407.1085, Line 25, by striking the word "**The**" and inserting in lieu thereof the word "**A**".

Senator Howard requested a roll call vote be taken on the adoption of **SA 14** and was joined in his request by Senators Caskey, Childers, Clay and DePasco.

**SA 14** failed of adoption by the following vote:

YEAS—Senators

Bentley	Childers	Ehlmann	Flotron
Graves	Kenney	Kinder	Klarich
Mueller	Rohrbach	Russell	Sims
Stelman	Westfall	Yeckel—15	

NAYS—Senators

Bland	Carter	Caskey	Clay
DePasco	Goode	House	Howard
Jacob	Johnson	Mathewson	Maxwell
Quick	Schneider	Scott	Staples
Stoll	Wiggins—18		

Absent—Senator Singleton—1

Absent with leave—Senators—None

Senator Yeckel offered **SA 15**, which was read:

**SENATE AMENDMENT NO. 15**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 763, Page 14 and 15,

Section 407.1085, Lines 9 to 25 on page 14 and lines 1 to 14 on page 15, by striking all of said lines and inserting in lieu thereof the following:

**"(2) Telephone calls initiated by a consumer;"**.

Senator Yeckel moved that the above amendment be adopted.

Senator Caskey raised the point of order that **SA 15** is out of order as it attempts to amend previously amended material.

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

At the request of Senator Yeckel, **SA15** was withdrawn.

Senator Howard moved that **SS** for **SCS** for **SB 763**, as amended, be adopted, which motion prevailed.

Senator Mueller requested a roll call vote be taken on the perfection of **SS** for **SCS** for **SB763**, as amended, and was joined in his request by Senators Childers, Johnson, Sims and Singleton.

On motion of Senator Howard, **SS** for **SCS** for **SB 763**, as amended, was declared perfected and ordered printed by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Childers	Clay	DePasco	Ehlmann
Flotron	Goode	Graves	House
Howard	Jacob	Johnson	Kenney
Kinder	Klarich	Mathewson	Maxwell
Quick	Russell	Scott	Singleton
Staples	Stelman	Stoll	Westfall
Wiggins—29			

NAYS—Senators

Mueller	Rohrbach	Sims	Yeckel—4
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Absent—Senator Schneider—1

Absent with leave—Senators—None

On motion of Senator DePasco, the Senate recessed until 3:45 p.m.



**RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

**RESOLUTIONS**

Senator Singleton offered Senate Resolution No. 1357, regarding Gerald (Jerry) Hulsey, Carthage, which was adopted.

Senator Singleton offered Senate Resolution No. 1358, regarding Benjamin M. Fitchpatrick, Jasper, which was adopted.

Senator Schneider offered Senate Resolution No. 1359, regarding J. Kim Tucci, St. Louis, which was adopted.

Senator Schneider offered Senate Resolution No. 1360, regarding Ozzie Smith, St. Louis, which was adopted.

Senator Howard offered Senate Resolution No. 1361, regarding Mary Beth Montgomery, Piedmont, which was adopted.

Senator Howard offered Senate Resolution No. 1362, regarding Marvin Bowles, Piedmont, which was adopted.

**SENATE BILLS FOR PERFECTION**

Senator Jacob moved that **SB 807, SB 553, SB 574, SB 614, SB 747** and **SB 860**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 807, 553, 574, 614, 747** and **860**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 807, 553, 574, 614, 747  
and 860

An Act to repeal section 148.400, RSMo 1994, and sections 317.001 and 376.1361, RSMo Supp. 1999, and to enact in lieu thereof ten new sections relating to insurance.

Was taken up.

Senator Jacob moved that **SCS** for **SBs 807, 553, 574, 614, 747** and **860** be adopted.

Senator Jacob offered **SS** for **SCS** for **SBs 807, 553, 574, 614, 747** and **860**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 807, 553, 574, 614, 747  
and 860

An Act to repeal sections 375.017 and 375.126, RSMo 1994, and sections 317.001, 320.094, 376.1361 and 461.051, RSMo Supp. 1999, and to enact in lieu thereof six new sections relating to insurance.

Senator Jacob moved that **SS** for **SCS** for **SBs 807, 553, 574, 614, 747** and **860** be adopted.

Senator Wiggins assumed the Chair.

Senator Klarich raised the point of order that **SS** for **SCS** for **SBs 807, 553, 574, 614, 747** and **860** is out of order as it goes beyond the scope and purpose of the underlying substitute and is therefore not germane.

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

Senator Singleton offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 807, 553, 574, 614, 747 and 860, Page 17, Section 376.1361, Line 15, by inserting immediately after said line the following:

**"376.1405. 1. Every health insurance carrier offering policies of insurance in this state shall use the explanation of Medicare benefits Part B (EMOB) form for the explanation of benefits given to the health care provider whenever a claim is paid or denied. As used in this section, the term "health insurance carrier" shall have the meaning given to "health carrier" in section 376.1350. Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care or other limited benefit health insurance policies.**

**2. All health insurance carriers shall use the explanation of Medicare benefits Part B (EMOB) form after January 1, 2002.**

**376.1406. 1. Every health care provider and health carrier that conducts business in this**

state shall use a standardized form for referrals. The standardized referral form shall be used in lieu of any specific referral form developed by a health carrier for the referral process. As used in this section, the terms "health care provider" and "health carrier" shall have the meaning given to them in section 376.1350.

2. The referral form developed by the task force as established in section 376.1408 shall contain the following:

- (1) The name of the insured;
- (2) Place of employment;
- (3) The name, address and phone number of the health carrier;
- (4) The identification number and group number of the insured;
- (5) The type of referral;
- (6) The name, address and phone number of the health care provider referring the insured;
- (7) The name, address, and phone number of the health care provider of whom the insured was referred to;
- (8) The number of visits requested and authorized; and
- (9) The health carrier's authorization number.

3. All health care providers and health carriers shall use the standardized referral form after January 1, 2002.

376.1408. 1. The department of insurance shall establish a task force to develop the standardized forms required by section 376.1406. The task force shall meet for soliciting information to develop the standardized forms. The task force shall consist of the following members:

- (1) Three health care providers;
- (2) Three representatives from the insurance industry; and
- (3) Three members from the general public.

2. No member of the task force shall receive compensation for the performance of duties

related to the task force but shall be reimbursed for reasonable and necessary expenses incurred in the performance of such duties.

3. The department of insurance shall have the task force established by January 1, 2001."; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Rohrbach raised the point of order that SA 1 is out of order in that the amendment goes beyond the scope of the original bill.

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

SA 1 was again taken up.

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

Senator Childers offered SA 2:

#### SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 807, 553, 574, 614, 747 and 860, Page 5, Section 320.094, Line 17, by deleting the words "two tenths of" on said line and further amend said section, page 6 and line 6, by deleting the words "two tenths of"; and

Further amend said section, page 6, line 10, by adding after the period on said line the following: "any amount over five hundred thousand dollars annually collected pursuant to this subsection shall be transferred to the credit of the fire district equipment fund as established in subsection 6 of this section by appropriation"; and

Further amend said section, page 9, by inserting the following after line 12 of said page:

"6. (1) There is hereby established, as a subaccount of the fire education fund as established in this section, the "Fire District Equipment Fund", which shall be maintained and accounted for separately, and which shall

consist of all moneys transferred pursuant to subsection 2 of this section and from all lawful public and private sources. Moneys in the subaccount shall be used to provide funds to fire protection districts having a population less than ten thousand. Moneys in the subaccount may be used only for purposes as are authorized by the department of public safety.

(2) The department of public safety shall annually prepare an intended use plan for the funds available in the subaccount.

(3) The department of public safety may make direct grants to aid in the financing of any fire protection district with a population less than ten thousand. The grants may be made to fire protection districts with a population less than ten thousand to assist in financing the purchasing of fire equipment. The grants may be made to supplement funds from loan proceeds or other private or public sources.

(4) The fire protection district must first apply with the department of public safety for a grant. The department of public safety shall make the necessary rules and regulations for the consideration and processing of all grant requests, which shall generally conform to those used by federal grant and loan agencies, which rules shall be filed in the office of the secretary of state. The rules shall contain, but shall not be limited to, the following criteria:

(a) The type of equipment requested by the fire protection district;

(b) The necessity of obtaining such equipment;

(c) The financial condition of the fire district; and

(d) The cost of the equipment requested by the fire district.

(5) All grant determinations made by the department of public safety shall be final."

Senator Childers moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

At the request of Senator Jacob, **SB 807, SB 553, SB 574, SB 614, SB 747** and **SB 860**, with **SCS, SS** for **SCS** and **SA 2** (pending), were placed on the Informal Calendar.

Senator Wiggins assumed the Chair.

## RESOLUTIONS

Senator Quick offered Senate Resolution No. 1363, regarding the Show Me Challenge Program, Nevada, which was adopted.

Senator Quick offered Senate Resolution No. 1364, regarding Phi Theta Kappa's All-Missouri Academic Team, which was adopted.

## INTRODUCTIONS OF GUESTS

Senator Staples introduced to the Senate, Robert Sercy, Eminence; and Mike Smith, Jackson.

Senator Yeckel introduced to the Senate, Donna Cain and members of Webelos, Den 1 & 2, Pack 646 from St. Catherine LaBoure School, St. Louis; and Greg Faust, Nikolas Kozul, Andrew Burleman and Steven Banholzer were made honorary pages.

Senator Westfall introduced to the Senate, John and Marie Matchell, Bolivar.

Senator Mueller introduced to the Senate, Kyle Hedrick, Jefferson City.

Senator Russell introduced to the Senate, Linda McQuerter and Jan Delcour, Lebanon.

Senator Ehlmann introduced to the Senate, Phil and Grant Ohlms and David Landstra, St. Charles; and Grant and David were made honorary pages.

Senator Kinder introduced to the Senate, Steve Torbet, Larry Lewis and Dave Thorne, Sikeston.

Senator Graves introduced to the Senate, Tom Lesnak, Daren Frank and a group from Harrison and Gentry Counties.

Senator Schneider introduced to the Senate, students from McCurdy School, St. Louis County; and Ryan Barry, Danielle Smith, Joseph Creason and Steven Wyde were made honorary pages.

Senator Klarich introduced to the Senate, Mary Wilson and Bob and Julie Wallace, St. Louis

County.

Senator Stoll introduced to the Senate, Kevin Gillespie and members of the Hillsboro Junior High School Honor Society, Hillsboro.

Senator Stoll introduced to the Senate, Sue Emery and Girl Scout Troop 1707, District 10, House Springs.

Senator DePasco introduced to the Senate, Jamie Franklin and thirty-five members of the Independence Chamber of Commerce LEAD Group, Jackson County.

Senator Mathewson introduced to the Senate, Donnie Cox, Erica Miles, Vonda LaPiana, Charlene Russell, Junior Gorham, Vicki Wiedmier and Carla Webb, Caldwell County.

Senator Schneider introduced to the Senate, students from St. Thomas the Apostle, St. Louis County; and Tim Hoormann, Stephen Shucart, Angie Amato, Emily Schmidt and Zachary Lavoi were made honorary pages.

Senator Bland introduced to the Senate, Tyrone Harvey, Jerri Johnson, Gussie Winston and Kay Mills, Kansas City.

Senator Yeckel introduced to the Senate, Dana Lenzen and seventy-five fourth grade students from Kennerly School, St. Louis; and Eric Bigogna, Ted

Cosgrove, Angel Echols and Jon Steudman were made honorary pages.

Senator Klarich introduced to the Senate, Lyndell Coleman and students from Potosi High School, Potosi.

Senator Childers introduced to the Senate, seventh and eighth grade students from St. Mary's School, West Plains.

Senator Clay introduced to the Senate, seven members of Housing Comes First, St. Louis.

On behalf of Senator Wiggins, the President introduced to the Senate, Karl T. Kurtz, Denver, Colorado.

On behalf of Senator Wiggins, the President introduced to the Senate, the Physician of the Day, Douglas Hagen and his daughter, Lauren, Kansas City.

On behalf of Senator Wiggins, the President introduced to the Senate, Maria, Katie and Maggie Bourk; Elizabeth, Emily and Kerri Wilson and D'Ann Dreiling, South Kansas City; and Katie, Maggie, Emily and Kerri were made honorary pages.

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

## SENATE CALENDAR

FORTY-FIRST DAY—WEDNESDAY, MARCH 15, 2000

## FORMAL CALENDAR

### 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  
HB 1376-Farnen

HS for HCS for HB 1254-Kissell  
HCS for HB 1644  
HB 1443-Koller  
HCS for HB 1737

HB 1082-Crump  
HB 1292-Auer  
HB 1353-Farnen  
HB 1185-Gratz and Vogel

THIRD READING OF SENATE BILLS

SB 858-Maxwell

SS for SCS for SBs 867 &  
552-Maxwell  
(In Budget Control)

SENATE BILLS FOR PERFECTION

1. SBs 771, 849 & 822-  
DePasco, with SCS
2. SJR 35-Goode, et al
3. SB 803-Goode, et al,  
with SCS
4. SJR 53-Quick
5. SB 697-Schneider,  
with SCS
6. SB 604-Wiggins
7. SB 850-Scott
8. SB 1049-Caskey, et al
9. SB 944-Caskey, with  
SCAs 1 & 2
10. SB 802-Goode, et al,  
with SCS
11. SB 1017-Mathewson, et  
al, with SCAs 1 & 2
12. SB 744-Klarich
13. SB 957-Johnson and  
Quick, with SCS
14. SB 925-Caskey and  
Mathewson, with SCS
15. SB 772-Goode
16. SB 926-Stoll and  
House, with SCS
17. SB 826-Jacob, et al,  
with SCS
18. SB 930-Jacob, with  
SCS
19. SJR 50-Stoll
20. SB 885-Mathewson,  
with SCS
21. SB 902-Mathewson
22. SB 720-Caskey
23. SB 980-Jacob, with  
SCS
24. SB 1016-Jacob, et al
25. SB 851-Wiggins and  
Stoll
26. SB 817-Stoll, with  
SCS
27. SB 830-Caskey
28. SB 892-Quick
29. SB 793-Staples, with  
SCS
30. SBs 959 & 598-Howard,  
with SCS
31. SB 954-Bentley and  
Johnson, with SCS
32. SBs 1027 & 815-Sims,  
with SCS
33. SBs 538 & 565-Russell,  
with SCS
34. SBs 584, 539, 630,  
777, 796, 918 &  
927-Bentley, with SCS
35. SBs 818 & 564-Maxwell  
and Kinder, with SCS

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SBs 545, 628, 647, 728, 834 & 832-Staples, with SCS (pending)	SBs 807, 553, 574, 614, 747 & 860-Jacob, with SCS, SS for SCS & SA 2 (pending)
SB 577-Maxwell, with SCS	SB 813-House, with SS & SA 5 (pending)
SB 597-Steelman, with SCS & SA 2 (pending)	SB 827-Scott, et al, with SS & SA 2 (pending)
SBs 599 & 531-Schneider, with SCS (pending)	SBs 934, 546, 578, 579 & 782-Caskey, with SCS & SS#2 for SCS (pending)
SB 610-Staples and DePasco, with SA 3 (pending)	SJR 31-Schneider
SBs 678 & 742-Schneider, with SCS, SS for SCS, SA 5, SA 4 to SA 5 & SA 2 (reconsidered) (pending)	SJR 45 & 41-House, with SCS (pending)
SB 729-House, with SCS, SA 1 & SA 2 to SA 1 (pending)	SJR 46-Goode, et al, 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 2/15

SB 740-Wiggins

Reported 2/28

SB 806-Jacob, with SCS

Reported 2/29

SB 915-Clay

SB 896-Klarich, with SCS

Reported 3/6

SRB 1001-Wiggins  
SRB 1002-Wiggins  
SB 940-Mathewson, with SCS

SB 953-Johnson and Russell  
SB 961-Stoll and Maxwell

Reported 3/7

SB 703-Steelman, with SCS  
SB 530-Schneider, with SCS  
SB 754-Graves, with SCS  
SB 1015-Wiggins and  
DePasco, with SCS

SB 1013-Stoll, with SCS  
SB 1036-Johnson, with SCS  
SB 1037-Bentley

Reported 3/13

SB 683-Childers, with SCS  
SB 1053-Goode, et al

SB 974-Bentley  
SB 936-Childers, with SCA 1

RESOLUTIONS

SR 1337-Schneider

SR 1204-Goode

Reported from Committee

SR 1034-Schneider

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