

Journal of the Senate

SECOND REGULAR SESSION

FIFTY-SIXTH DAY—MONDAY, APRIL 17, 2000

The Senate met pursuant to adjournment.

Absent with leave—Senators—None

President Pro Tem Quick in the Chair.

The Reverend Carl Gauck offered the following prayer:

The great English preacher Mr. Spurgeon asked of a farmer with a weather vane inscribed with “God is Love” if that meant that God’s love changes with the wind?” “No,” said the Farmer, “I mean that whichever way the wind is blowing, God still is love.”

Gracious Lord, You have shown Your love for us daily, through gentle moments to the most stressful days. You have ridden with us and comforted us in our “going out and coming in.” Grant us this week Your Holy Spirit so that nothing in life will ever cause us to doubt Your steadfast love and may we express Your love to others in all we do. 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 Thursday, April 13, 2000, was read and approved.

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		

RESOLUTIONS

Senator House offered Senate Resolution No. 1523, regarding the Silex Assembly of God Church, Silex, which was adopted.

Senator House offered Senate Resolution No. 1524, regarding Tom Lange, St. Charles, which was adopted.

Senator Kenney offered Senate Resolution No. 1525, regarding Adam Fouts, Blue Springs, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1526, regarding Jeffrey M. Barclay, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1527, regarding Michelle Munz, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1528, regarding Danielle Hitchcock, St. Louis, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1529, regarding Debbie A. Hitchcock, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1530, regarding Officer James N. Schweppe, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1531, regarding Carmen O’Mara, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate

Resolution No. 1532, regarding Thomas C. Moore, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1533, regarding Ameren/UE, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1534, regarding Andrea Dunn, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1535, regarding Sheila Meyer, St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1536, regarding Bob Williams, Hazelwood, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1537, regarding Leslie Shook, Hazelwood, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1538, regarding Jay D. Dunlap, Jr., St. Charles, which was adopted.

Senators House and Ehlmann offered Senate Resolution No. 1539, regarding Kevin M. Miller, St. Charles, which was adopted.

Senator Steelman offered Senate Resolution No. 1540, regarding Bob Maranowski, Linn, which was adopted.

Senator Yeckel offered Senate Resolution No. 1541, regarding Thomas "Tom" Polokonis, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1542, regarding Henry F. "Hank" Burns, IV, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1543, regarding Robert Jozef "Bob" Parr, St. Louis, which was adopted.

Senator Childers offered Senate Resolution No. 1544, regarding Rex Lane, Monett, which was adopted.

Senator Russell offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1545

WHEREAS, the members of the Missouri Senate wholeheartedly believe that a quality education is of the utmost

importance in the lives of today's young people as they grow and prepare themselves for the challenges of the adult world; and

WHEREAS, the "KJEL Reading Initiative" of KJEL-KBNN, Ozark Broadcasting, Inc., in Lebanon, Missouri, is a unique program enacted by the Missouri State Legislature for public schools to address new reading standards; and

WHEREAS, the "KJEL Reading Initiative" program focuses on two area schools per month and is kicked off with a visit from a KJEL "On-Air" staff member; and

WHEREAS, although most schools use the KJEL Reading Initiative in conjunction with the "Accelerated Reader" program, they are encouraged to conduct the contest in the way that is best for their students; and

WHEREAS, each month KJEL saturates the airwaves with words of encouragement and news stories about the schools that are involved in the program that month through interviews with school teachers, administrators, and students, and selects a KJEL staff member to stay in contact with school administrators to keep the excitement level up and to remind students about the importance of reading; and

WHEREAS, Reading Initiative winners are chosen from students or classes that read the most books or students who meet reading goals according to individual ability and are surprised at the end of the month by a KJEL representative who brings brightly decorated sheet cakes to announce the winners; and

WHEREAS, area school administrators have reported that the number of library books checked out during the KJEL Reading Initiative tripled and that students who previously showed no interest in reading were coming in early at recess or before school to catch-up with the other students:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninetieth General Assembly, unanimously join in expressing our utmost appreciation to all the dedicated owners, directors, administrators, and employees at KJEL-KBNN, Ozark Broadcasting, Inc., for their efforts in making reading a fun and enjoyable experience for children of all ages; 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 KJEL Reading Initiative.

MESSAGES FROM THE HOUSE

The following messages were 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 **HB 1305**, entitled:

An Act to repeal sections 67.1062, 67.1063,

82.300, 214.131, 214.205, 260.210 and 513.605, RSMo 1994, and sections 32.105, 32.115, 67.1300, 135.205, 144.757, 144.759, 144.761, 214.030, 262.260, 441.500, 441.510, 441.520, 441.550, 441.590, 447.620, 447.622, 537.523 and 574.085, RSMo Supp. 1999, relating to community cleanup activities, and to enact in lieu thereof forty-seven new sections relating to the same subject, with penalty provisions and an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

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 **HBs 1677, 1675 and 1676**, entitled:

An Act to repeal sections 455.085, 455.220, 455.230 and 565.090, RSMo 1994, and sections 375.1312, 455.010, 455.045, 455.050, 455.205, 455.540, 455.543, 455.545 and 565.063, RSMo Supp. 1999, and to enact in lieu thereof twenty-three new sections relating to domestic violence, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

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 **HBs 1652 and 1433**, entitled:

An Act to repeal sections 149.015, 149.071, 407.927, 407.929 and 407.931, RSMo 1994, relating to sale of tobacco products to minors, and to enact in lieu thereof twelve new sections relating to the same subject, with penalty provisions, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 1603**, entitled:

An Act to repeal section 407.820, RSMo 1994, and sections 407.815, 407.816, 407.822 and 407.825, RSMo Supp. 1999, relating to motor vehicle franchise practices, and to enact in lieu thereof seven new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

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 **HB 1797**, entitled:

An Act to repeal sections 303.025, 303.406, 303.409, 303.412 and 303.415, RSMo Supp. 1999, relating to motor vehicle financial responsibility and the motorist insurance identification database, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions, an effective date for certain sections, and an expiration date for certain sections.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 36**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SCR 37**, begs leave to report that it has considered

the same and recommends that the concurrent resolution do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 37, Page 637 of the Senate Journal for Thursday, April 6, 2000, Columns 1-2, by striking all of lines 44-45, Column 1, and lines 1-3, Column 2, and inserting in lieu thereof the following: "Madrid, Pemiscot, Dunklin, Stoddard and Butler; two members of the Senate, appointed by the President Pro Tem, both of whom represent the area included in the authority; and two members of the House of Representatives, appointed by the Speaker, both of whom represent the area included in the authority; and".

Also,

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SS No. 3** for **SJR 35**, begs leave to report that it has examined the same and finds that the joint resolution has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Quick referred **SS** for **SS No. 3** for **SJR 35** to the Committee on State Budget Control.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 14, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Stephen P. Carlton, Republican, 2012 Beau Drive, Carthage, Jasper County, Missouri 64836, as a member of the Board of Regents for Missouri Southern State College, for a term ending August 30, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 14, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Nadia T. Cavner, Democrat, 4248 East Serenade, Springfield, Greene County, Missouri 65809, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2002, and until her successor is duly appointed and qualified; vice, Theresa E. Whorton, deceased.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 14, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald E. Clark, D.P.M., Republican, 212 North Connor, Joplin, Jasper County, Missouri 64801, as a member of the State Board of Podiatric Medicine, for a term ending July 1, 2002, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 14, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Amy L. Hilgemann, Ph.D., Democrat, 4131 Blaine Avenue, St. Louis City, Missouri 63110, as a member of the Missouri Community Service Commission, for a term ending December 15, 2000, and until her successor is duly appointed and qualified; vice, Karla Cooper, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 14, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Charles C. McGinty, D.D.S., Republican, 5059 McClelland Boulevard, Joplin, Newton County, Missouri 64804, as a member of the Board of Regents for Missouri Southern State College, for a term ending August 30, 2004, and until his successor is duly appointed and qualified; vice, Robert Lamb, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 14, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Angela Heffner Robyn, 112 Belair Drive, Jefferson City, Cole County, Missouri 65109, as the Small Business Ombudsman, for a term ending concurrent with that of the Governor, and until her successor is duly appointed and qualified; vice, Greg Johnston, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 14, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Patricia A. Nichols, Number One Wilshire Terrace, Webster Groves, St. Louis County, Missouri 63119, as a member of the Well Installation Board, for a term ending February 24, 2002, and until her successor is duly appointed and qualified; vice, Joe Engeln, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 14, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

W. Michael Ross, Republican, 9756 Old Warson Road, St. Louis, St. Louis County, Missouri 63124, as a member of the Missouri Development Finance Board, for a term ending September 14, 2000, and until his successor is duly appointed and qualified; vice, John F. Morrissey, term expired.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 14, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Susan Lee Pentlin, Ph.D., Democrat, 520 Grover Street, Warrensburg, Johnson County, Missouri 64093, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2006, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 14, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Elizabeth T. Solberg, Republican, 850 West 52nd Street, Kansas City, Jackson County, Missouri 64112, as a member of the Missouri Development Finance Board, for a term ending September 14, 2002, and until her successor is duly appointed and qualified; vice, Lynne Nikolaisen, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 14, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Deborah J. Swanegan, Democrat, 2308 Winchester Drive, Columbia, Boone County, Missouri 65202, as a member of the Missouri Community Service Commission, for a term ending December 15, 2002, and until her successor is duly appointed and qualified; vice, Clyde McQueen, resigned.

Respectfully submitted,
MEL CARNAHAN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 17, 2000

TO THE SENATE OF THE 90th GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Catherine B. Leapheart for the Missouri Training and Employment Council, submitted to you on April 10, 2000. Line 1 should be amended to read:

Catherine B. Leapheart, 1810 Pinnacle Point, Holts Summit,
Respectfully submitted,
MEL CARNAHAN
Governor

President Pro Tem Quick referred the above appointments and addendum to the Committee on Gubernatorial Appointments.

SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SJR 31** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Schneider offered **SS** for **SJR 31**, entitled:

SENATE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 31

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section

8 of article III of the Constitution of Missouri relating to term limits, and adopting two new sections in lieu thereof relating to the same subject.

Senator Schneider moved that **SS** for **SJR 31** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Joint Resolution No. 31, Page 2, Section 8(a), Line 5, by inserting at the end of said line the following: **“A person may serve more than twelve consecutive years, if a petition is filed which contains the signatures of the number of registered voters in the house or senate district which is equal to at least two percent of the total number of voters who voted at the last election for candidates for the office being sought requesting that the person remain in office for an additional term. The petition shall be submitted to the secretary of state for a determination on the sufficiency of the petition no later than the first day of March immediately prior to the primary election. Upon certification of sufficiency by the secretary of state, the candidate named in the petition shall be placed on the ballot.”**

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

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Joint Resolution No. 31, Page 2, Section 8(a), Lines 1 and 2 of said page, by deleting on said line the following: “at the following regular election for such office” and inserting in lieu thereof the following: “until the next full term of such office has passed.”

Senator Rohrbach moved that the above amendment be adopted.

Senator Schneider offered **SSA 1** for **SA 2**, which was read:

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

Amend Senate Substitute for Senate Joint Resolution No. 31, Page 1, Section 8(a), Line 14, by striking the words “seek election to office” and substitute “serve more than 12 years”; and amend page 2, lines 1 and 2, by striking “at the following regular election for such office”.

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

Senator Clay assumed the Chair.

Senator Schneider moved that **SS** for **SJR 31**, as amended, be adopted, which motion prevailed.

On motion of Senator Schneider, **SS** for **SJR 31**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Goode, Chairman of the Committee on Appropriations, submitted the following reports:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1101**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1102**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1103**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1104**, begs leave to report that it has considered the same and recommends that the Senate Committee

Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1105**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1106**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1107**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1108**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1109**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1110**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1111**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1112**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE BILLS FOR PERFECTION

Senator Johnson moved that **SB 957**, with **SCS**, **SA 2**, **SSA 1** for **SA 2** and **SA 2** to **SSA 1** for **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Stoll assumed the Chair.

Senator Clay assumed the Chair.

SA 2 to **SSA 1** for **SA 2** was again taken up.

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

SSA 1 for **SA 2** was again taken up.

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

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

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Committee Substitute for Senate Bill No. 957, Page 1, Line 11, by deleting the words "in addition to" on said line and inserting in lieu thereof the words "**after fully funding**".

Senator Childers moved that the above amendment be adopted.

At the request of Senator Johnson, **SB 957**, with **SCS**, **SA 2**, **SSA 1** for **SA 2** and **SA 3** to **SSA 1** for **SA 2** (pending), was placed on the Informal Calendar.

Senator Wiggins moved that **SB 851** be taken up for perfection, which motion prevailed.

President Pro Tem Quick assumed the Chair.

On motion of Senator Wiggins, **SB 851** was declared perfected and ordered printed.

SB 817, with **SCS**, was placed on the Informal Calendar.

Senator Caskey moved that **SB 830** be taken up for perfection, which motion prevailed.

Senator Stoll assumed the Chair.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 830, Page 3, Section 211.073, Line 57, by inserting immediately after 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, which motion failed on a standing division vote.

On motion of Senator Caskey, **SB 830** was declared perfected and ordered printed.

REFERRALS

President Pro Tem Quick referred **SCR 40** to the Committee on Rules, Joint Rules and Resolutions.

RESOLUTIONS

Senator Kenney offered Senate Resolution No. 1546, regarding Sara Ketcherside, Imperial, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Susan McGee, Belton; April Noe and his wife, Kay, Butler; and sixty-eight friends from Foxwood Springs, Raymore.

Senator Singleton introduced to the Senate, Derek Martin, Connie Kodish, Bob Patterson, David Rice and Mike Sills, Carthage.

Senator Singleton introduced to the Senate, Bill Gibson, Joplin.

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

SENATE CALENDAR

FIFTY-SEVENTH DAY—TUESDAY, APRIL 18, 2000

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HB 1305-Rizzo
HS for HCS for HBs 1677,
1675 & 1676-Riback
Wilson

HS for HCS for HBs 1652 &
1433-Hoppe
HS for HB 1603-May (108th)
HS for HCS for HB 1797-Gratz

THIRD READING OF SENATE BILLS

SB 772-Goode
(In Budget Control)
SS for SCS for SB 926-Stoll
(In Budget Control)

SS for SS#3 for SJR 35-
Goode
(In Budget Control)

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| 1. SB 892-Quick | 8. SBs 818 & 564-Maxwell
and Kinder, with SCS |
| 2. SB 793-Staples, with SCS | 9. SB 955-Mathewson, et al |
| 3. SBs 959 & 598-Howard,
with SCS | 10. SB 1048-Mathewson,
with SCS |
| 4. SB 954-Bentley and
Johnson, with SCS | 11. SB 866-Klarich |
| 5. SBs 1027 & 815-Sims,
with SCS | 12. SB 748-Johnson, with SCS |
| 6. SBs 538 & 565-Russell,
with SCS | 13. SB 1047-Rohrbach, with SCS |
| 7. SBs 584, 539, 630,
777, 796, 918 &
927-Bentley, with SCS | 14. SB 1045-Caskey, with SCS |
| | 15. SBs 1043, 1031, 580 &
671-Mathewson,
with SCS |

HOUSE BILLS ON THIRD READING

- | | |
|--|--|
| 1. HS for HCS for HJR 61-
Van Zandt, with SCS | 8. HCS for HB 1106, with
SCS (Goode) |
| 2. HS for HCS for HB 1742-Koller,
with SCS
(In Budget Control) | 9. HCS for HB 1107, with
SCS (Goode) |
| 3. HCS for HB 1101, with
SCS (Goode) | 10. HCS for HB 1108, with
SCS (Goode) |
| 4. HCS for HB 1102, with
SCS (Goode) | 11. HCS for HB 1109, with
SCS (Goode) |
| 5. HCS for HB 1103, with
SCS (Goode) | 12. HCS for HB 1110, with
SCS (Goode) |
| 6. HCS for HB 1104, with
SCS (Goode) | 13. HCS for HB 1111, with
SCS (Goode) |
| 7. HCS for HB 1105, with
SCS (Goode) | 14. HCS for HB 1112, with
SCS (Goode) |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| SBs 545, 628, 647, 728,
834 & 832-Staples,
with SCS (pending) | SBs 599 & 531-Schneider,
with SCS (pending)
SB 604-Wiggins |
|---|--|

SB 697-Schneider, with
SCS & SA 1 (pending)
SB 720-Caskey, with SS &
SA 3 (pending)
SB 729-House, with SCS &
SA 8 (pending)
SB 744-Klarich
SB 803-Goode, et al, with SCS
SBs 807, 553, 574, 614,
747 & 860-Jacob, with
SCS, SS for SCS & SA 2
(pending)
SB 817-Stoll, with SCS
SB 826-Jacob, et al, with
SCS, SS for SCS & SA 5
(pending)
SB 827-Scott, et al, with
SS & SA 2 (pending)

SB 885-Mathewson, with SCS
SB 930-Jacob, with SCS
SB 957-Johnson and Quick,
with SCS, SA 2, SSA 1
for SA 2 & SA 3 to SSA
1 for SA 2 (pending)
SB 980-Jacob, with SCS
SB 1016-Jacob, et al,
with SS, SA 2 & point
of order (pending)
SJR 45 & 41-House, with
SCS (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)

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UNOFFICIAL

CONSENT CALENDAR

Senate Bills

Reported 2/15

SB 740-Wiggins

Copy

House Bills

Reported 4/10

HB 1604-Graham (106th),
with SCS

Reported 4/11

HB 1185-Gratz and Vogel,
with SCS
HB 1186-Gratz and Vogel
HB 1376-Farnen

HB 1802-Monaco and Liese
HB 1085-Selby
HB 1591-Backer, with SCS

Reported 4/12

HB 1353-Farnen, with SCA 1
HB 1289-Auer
HB 1509-Hosmer
HB 1321-Relford, et al
HB 1284-Kissell
HB 1077-Relford
HB 1631-Hoppe, with SCS
HB 1454-Hoppe, with SCS

HB 1659-Summers, with SCS
HB 1486-Abel, et al
HB 1647-Skaggs
HB 1097-Hosmer, with SCS
HB 1428-Hickey, et al,
with SCAs 1, 2 & 3
HB 1739-Auer, with SCS
HB 1544-Smith

Unofficial

Reported 4/13

HB 1465-Ransdall, et al,
with SCS
HB 1848-Treadway, with SCS
HB 1568-Riback Wilson and
Holand, with SCS
HB 1596-Auer

HB 1875-Franklin, with SCA 1
HB 1396-Farnen, with SCS
HB 1363-Bray, et al
HB 1948-Gratz, et al,
with SCS

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RESOLUTIONS

SR 1204-Goode
SR 1373-Mathewson

SCR 33-Kinder, et al

Reported from Committee

SCR 29-Goode
SCR 22-Staples
SCR 34-Bland, et al

Copy

SCR 35-Graves, with SCA 1
SCR 36-Sims
SCR 37-Howard, with SCA 1