

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-NINTH DAY—WEDNESDAY, FEBRUARY 21, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Satisfy us in the morning with your steadfast love, so that we may rejoice and be glad all our days.” (Psalm 90:14)

Loving Father, we give You thanks that we can spend a quiet moment with You this morning and that Your calming presence can remain with us all through this day. We pray that our hearts may be full of peace and joy as we remember Your constant blessings to us as we do our work and share our time with others. 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 of the previous day was read and approved.

Photographers from the Associated Press, KOMU-TV and KRCG-TV 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
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	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 Yeckel offered Senate Resolution No. 230, regarding Carole Baras, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 231, regarding Forrest Miller, St. Louis, which was adopted.

INTRODUCTION OF BILLS

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

SB 521—By Mathewson.

An Act to repeal section 287.123, RSMo 2000, relating to workers’ compensation insurance carriers, and to enact in lieu thereof one new section relating to the same subject.

SB 522—By Johnson.

An Act to repeal section 578.005, RSMo 2000, relating to offenses against an animal, and to enact in lieu thereof one new section relating to the same subject.

SB 523—By Scott, Sims and Staples.

An Act to amend chapter 67, RSMo, by adding thereto eight new sections relating to certain sports facilities.

SB 524—By Cauthorn.

An Act to repeal section 144.030, RSMo 2000, relating to sales tax exemptions for materials used in the production of livestock or poultry, and to enact in lieu thereof one new section relating to the same subject.

SB 525—By Cauthorn.

An Act to repeal section 414.032, RSMo 2000, relating to fuel requirements, and to enact in lieu thereof one new section relating to the same subject.

SB 526—By Dougherty.

An Act to repeal sections 205.920, 291.010, 291.020, 291.030, 291.040, 291.050, 291.060, 291.065, 291.070, 291.080, 291.120, 291.130, 291.140, 292.010, 292.020, 292.030, 292.040, 292.050, 292.060, 292.070, 292.080, 292.090, 292.110, 292.120, 292.130, 292.140, 292.150, 292.160, 292.170, 292.180, 292.190, 292.240, 292.260, 292.270, 292.280, 292.290, 292.350, 292.360, 292.370, 292.380, 292.390, 292.400, 292.410, 292.420, 292.430, 292.450, 292.460, 292.470, 292.480, 292.490, 292.500, 292.510, 292.520, 292.530, 292.540, 292.550, 292.560 and 320.202, RSMo 2000, relating to the department of labor and industrial relations and to enact in lieu thereof twenty-two new sections relating to the same subject, with penalty provisions.

SB 527—By Dougherty.

An Act to amend chapter 301, RSMo, relating to environmentally conscious motor vehicles by adding thereto one new section relating to the same subject.

SB 528—By Dougherty and Sims.

An Act to repeal section 211.183, RSMo 2000, relating to removal of a child from the home, and to enact in lieu thereof one new section relating to the same subject.

SB 529—By Dougherty.

An Act to amend chapter 640, RSMo, relating to the promotion of energy efficiency by adding thereto one new section relating to the same subject.

SB 530—By Gross.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to reviewing mandated health insurance benefits.

SB 531—By Gross, Klarich and Gibbons.

An Act to repeal sections 135.500, 135.503, 135.516, 208.770 and 620.1450, RSMo 2000, relating to tax credit programs, and to enact in lieu thereof five new sections relating to the same subject.

SB 532—By Foster.

An Act to amend chapter 340, RSMo, by adding thereto eight new sections relating to the large animal veterinary medicine loan repayment program.

SB 533—By Jacob.

An Act to amend chapter 379, RSMo, by adding thereto one new section relating to safety course and auto insurance premium discounts for persons fifty-five years of age and older.

SB 534—By Childers.

An Act to amend chapter 321, RSMo, by adding thereto four new sections relating to ambulance and fire protection districts.

SB 535—By Rohrbach.

An Act to repeal sections 375.246, 375.1168, 375.1176, 375.1182 and 375.1202, RSMo 2000, relating to the solvency of certain entities regulated by the director of the department of insurance, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions and an effective date for a certain section.

SB 536—By Schneider.

An Act to amend chapter 476, RSMo, by adding thereto one new section relating to commission on judicial resources.

SB 537—By Stoll.

An Act to repeal sections 115.277 and 115.283, RSMo 2000, relating to absentee voting, and to enact in lieu thereof two new sections relating to the same subject.

SJR 17—By Schneider.

Joint Resolution submitting to the qualified

voters of Missouri, an amendment repealing section 16 of article V of the Constitution of Missouri relating to courts, and adopting one new section in lieu thereof relating to the same subject.

THIRD READING OF SENATE BILLS

SB 136, with **SCS**, introduced by Senator Wiggins, entitled:

An Act to repeal sections 194.300, 194.302 and 302.171, RSMo 2000, relating to anatomical donation, 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 136**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 136**

An Act to repeal sections 194.300, 194.302 and 302.171, RSMo 2000, relating to anatomical donation, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Wiggins moved that **SCS** for **SB 136** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **SB 136** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senators—None

The President declared the bill passed.

On motion of Senator Wiggins, title to the bill

was agreed to.

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

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

SB 304, introduced by Senator Klarich, entitled:

An Act to repeal section 456.183, RSMo 2000, relating to trustees' resignation and removal, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Rohrbach assumed the Chair.

On motion of Senator Klarich, **SB 304** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators

Dougherty Quick—2

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 252, introduced by Senator Singleton, entitled:

An Act to authorize the conveyance of certain properties between the Missouri national guard and

the city of Joplin.

Was called from the Consent Calendar and taken up.

On motion of Senator Singleton, **SB 252** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators

Dougherty	Schneider—2
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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 Johnson moved that motion lay on the table, which motion prevailed.

SB 301, with **SCS**, introduced by Senator Johnson, entitled:

An Act to authorize the conveyance of property owned by Missouri Western State College to the curators of the University of Missouri for use as an extension office.

Was called from the Consent Calendar and taken up.

SCS for **SB 301**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 301

An Act to authorize the conveyance of property owned by Missouri Western State College to the University of Missouri Extension Council of Buchanan County for use as an extension office.

Was taken up.

Senator Johnson moved that **SCS** for **SB 301** be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **SB 301** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Dougherty	Klarich	Schneider	Staples—4
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Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

Senator Westfall moved that **SB 36**, with **SCS** and **SA 10** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 10 was again taken up.

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

Senator Goode offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Committee Substitute for Senate Bill No. 36, Page 5, Section 302.309, Line 69, by inserting after the word “chapter” the following: “**and has received a needs assessment**”

and recommended course of treatment from a substance abuse traffic offender program”; and

Further amend said bill, Page 9, Section 302.520, Line 28, by inserting after all of said line the following:

“302.540. 1. No person who has had a license to operate a motor vehicle suspended or revoked under the provisions of sections 302.500 to 302.540 shall have that license reinstated until such person has participated in and successfully completed a substance abuse traffic offender program defined in section 302.010, except the department may waive such requirement upon completion of a comparable program or upon good cause shown or the court may waive such requirement upon good cause shown. The court in making this determination shall consider the person's driving record, the circumstances surrounding the offense and the likelihood of the person committing a like offense in the future. Assignment recommendations, based upon the needs assessment as described in subdivision (21) of section 302.010, shall be delivered in writing to the person with written notice that the person is entitled to have such assignment recommendations reviewed by the court if the person objects to the recommendations. The person may file a motion in the associate division of the circuit court, on a printed form provided by the state courts administrator, to have the court hear and determine such motion pursuant to the provisions of chapter 517, RSMo, after reviewing such assessment. The motion shall name the person or entity making the needs assessment as the respondent and a copy of the motion shall be served upon the respondent in any manner allowed by law. Such assessment and compliance with the court determination of the motion shall satisfy the provisions of this section for the purpose of reinstating such person's license to operate a motor vehicle. The respondent's personal appearance at any hearing conducted pursuant to this subsection shall not be necessary unless directed by the court.

2. The fees for the program authorized in subsection 1 of this section, or a portion thereof to be determined by the division of alcohol and drug abuse of the department of mental health, shall be

paid by the person enrolled in the program. Any person who is enrolled in the program shall pay, in addition to any fee charged for the program, a supplemental fee of sixty dollars. The administrator of the program shall remit to the division of alcohol and drug abuse of the department of mental health the supplemental fee for all persons enrolled in the program, less two percent for administrative costs. The supplemental fees received by the department of mental health pursuant to this section shall be deposited in the mental health earnings fund which is created in section 630.053, RSMo.

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

4. The division of alcohol and drug abuse of the department of mental health shall develop and certify a program to provide education or rehabilitation services for individuals determined by the division to be serious or repeat offenders. The program shall qualify as a substance abuse traffic offender program. As used in this subsection, a serious or repeat offender is one who was determined to have a blood alcohol content of fifteen-hundredths of one percent or more by weight while operating a motor vehicle or a prior or persistent offender as defined in section 577.023, RSMo.”; and

Further amend said bill, Page 10, Section 302.541, Line 18, by inserting after all of said line the following:

“302.543. 1. Prior to reinstating any license pursuant to section 302.304 or 302.540 or section 577.049, RSMo, the court or the director shall require the following as a condition of such license:

(1) An assessment to determine the level of alcohol abuse;

(2) A course of treatment which may be either custodial or non-custodial;

(3) Participation in a twelve-step program acceptable to the court or the director;

(4) Community service;

(5) Restitution, if applicable; and

(6) Any other condition as the court or director deems just and prudent.

2. Prior to issuing any restricted driving privilege pursuant to section 302.304 or 302.525, the court or the director shall require an assessment to determine the level of alcohol abuse. If the assessment recommends that the privilege should be conditioned on any of the following, the court or the director will require such conditions prior to issuing the restricted driving privilege:

(1) A course of treatment which may be either custodial or non-custodial;

(2) Participation in a twelve-step program acceptable to the court or the director;

(3) Community service;

(4) Restitution, if applicable; and

(5) Any other condition as the court deems just and prudent.”; and

Further amend the title and enacting clause accordingly.

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

Senator Gross assumed the Chair.

Senator Schneider offered **SA 12:**

SENATE AMENDMENT NO. 12

Amend Senate Committee Substitute for Senate Bill No. 36, Page 10, Section 577.012, Line 12, by adding:

“4. It shall be an affirmative defense under this section if the defendant can prove by a preponderance of the evidence that the defendant was not intoxicated and was in a condition that he or she was able to safely operate a motor vehicle.”.

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 Klarich, Russell, Stoll and Westfall.

SA 12 failed of adoption by the following vote:

YEAS—Senators

Bland	Caskey	DePasco	Dougherty
Goode	Jacob	Kinder	Mathewson
Quick	Schneider	Scott	Staples
Stoll	Wiggins—14		

NAYS—Senators

Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	House	Johnson
Kenney	Klarich	Klindt	Loudon
Rohrbach	Russell	Sims	Singleton
Steelman	Westfall	Yeckel—19	

Absent—Senator Carter—1

Absent with leave—Senators—None

Senator Westfall moved that **SCS for SB 36**, as amended, be adopted, which motion prevailed.

On motion of Senator Westfall, **SCS for SB 36**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Loudon offered Senate Resolution No. 232, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Lee “Bob” Stevens, Sr., Ballwin, which was adopted.

Senator Jacob offered Senate Resolution No. 233, regarding Michael Feldman, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

February 21, 2001

Ms. Terry Spieler
Secretary of the Senate
State Capitol
Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator Sarah Steelman and Senator Jim Mathewson to serve on the Consolidated Health Care Plan Board of Trustees pursuant to Section 103.008 RSMo.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder
PETER D. KINDER
President Pro Tem

Also,

February 21, 2001

Ms. Terry Spieler
Secretary of the Senate
State Capitol
Jefferson City, MO 65101

Dear Ms. Spieler:

Please be advised that I am hereby appointing Senator Harold Caskey and Senator Ronnie DePasco to serve on the Joint Committee on Legislative Research. Also by copy of this I am removing Senator Wayne Goode from this committee.

If I can be of any assistance please do not hesitate to contact me.

Sincerely,

/s/ Peter Kinder
PETER D. KINDER
President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Kenney introduced to the Senate, Jonathan, Justin and Preston Smith, Blue Springs.

Senator Wiggins introduced to the Senate, former State Senator, Judge Jack Gant, Jackson County.

Senator Caskey introduced to the Senate, Ken Southwick, Belton.

Senator Russell introduced to the Senate, Ann Dryden, Osage Beach.

Senator Mathewson introduced to the Senate, Brian Zimmerschied, Higginsville.

Senator Westfall introduced to the Senate, Wilma Jean Lower, Ken Potts, Ann Potts, Vicki Simmons, Josephine Johnson, Leila Ellis and Dona Funk, Cedar County.

Senator Bentley introduced to the Senate, Dr. Mark Skrade, Jason Campbell, Louis Hoffman, Jason Engel and Brandi Klepper, Springfield.

Senator Sims introduced to the Senate, Patricia Knoerle-Jordan and Janet Gillow, St. Louis County.

Senator Russell introduced to the Senate, Dennis McCullough, Nancy Heard, Kathy Kesler, Brenda Garrison, Jim McIntire, Jeff Owen, Ron Locke, Tad Messenger, Terry A. Lane and James M. Small, Dallas County.

Senator Yeckel introduced to the Senate, Rick Seim and forty-six freshmen from Oakville High School, St. Louis; and Mindy Harris, Brad Petzold, Ben Schrumm and Amie Willcoxon were made honorary pages.

Senator Russell introduced to the Senate, Elaine Duey, Pat Edquist and Oscar Carter, Mountain Grove.

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

SENATE CALENDAR

THIRTIETH DAY—THURSDAY, FEBRUARY 22, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 506-Cauthorn and Klindt
SB 507-Cauthorn and Klindt
SB 508-Cauthorn and Klindt
SB 509-Cauthorn and Klindt
SB 510-Kenney

SB 511-Gibbons, et al
SB 512-House, et al
SB 513-House, et al
SB 514-Singleton
SB 515-Yeckel

SB 516-Yeckel	SB 529-Dougherty
SB 517-Kinder, et al	SB 530-Gross
SB 518-DePasco, et al	SB 531-Gross, et al
SB 519-Foster	SB 532-Foster
SB 520-Foster	SB 533-Jacob
SB 521-Mathewson	SB 534-Childers
SB 522-Johnson	SB 535-Rohrbach
SB 523-Scott, et al	SB 536-Schneider
SB 524-Cauthorn	SB 537-Stoll
SB 525-Cauthorn	SJR 17-Schneider
SB 526-Dougherty	
SB 527-Dougherty	
SB 528-Dougherty and Sims	

HOUSE BILLS ON SECOND READING

HCS for HBs 302 & 38

THIRD READING OF SENATE BILLS

SB 12-Russell	SB 128-Childers
SB 32-Kinder	SS for SCS for SBs 46
(In Budget Control)	& 47-Bentley
SCS for SBs 44 & 59-Bentley	

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| 1. SB 97-Bentley, with
SCA 1 | 10. SBs 253 & 260-Gross,
with SCS |
| 2. SB 184-Johnson, et al | 11. SBs 391 & 395-
Rohrbach, with SCS |
| 3. SBs 323 & 230-Childers,
et al, with SCS | 12. SB 222-Caskey |
| 4. SB 226-Goode, et al,
with SCS | 13. SB 244-Staples |
| 5. SB 220-Kinder and Gross | 14. SBs 52 & 91-Childers,
with SCS |
| 6. SBs 67 & 40-Gross,
with SCS | 15. SB 267-Klarich and
Schneider, with SCS |
| 7. SB 65-Gibbons, with SCS | 16. SB 381-Klarich |
| 8. SB 317-Stoll, with SCS | 17. SB 114-Loudon, with
SCS |
| 9. SB 50-Childers | |

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| 18. SB 339-Stoll and
Childers, with SCA 1 | 23. SBs 238 & 250-Staples,
et al, with SCS |
| 19. SB 48-Sims, with SCS | |
| 20. SB 400-Kenney, et al | |
| 21. SB 374-Steelman, with SCS | |
| 22. SB 239-Stoll, with SCS | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---------------------------------------|
| SB 14-Mathewson | SBs 89 & 37-Kinder, with SCS |
| SBs 39 & 269-Klarich and
Goode, with SCS and SS
for SCS (pending) | SB 123-Kinder, with SA 1
(pending) |

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/13

- | | |
|---------------------------|--------------------------------------|
| SB 227-Jacob | SB 186-Klarich, with SCS |
| SB 241-Rohrbach, with SCS | SB 382-Yeckel and Stoll,
with SCS |
| SB 203-Scott | |

Reported 2/19

- | | |
|--|----------------------------|
| SB 110-Gross | SB 357-Schneider, with SCS |
| SB 344-Rohrbach and Jacob,
with SCS | SB 348-Sims |
| SB 287-Klarich, with SCS | |
| SB 111-Gross | |
| SB 303-Johnson | |
| SB 321-Westfall | |
| SB 295-Stoll and Staples | |

SB 352-Johnson, with SCS
 SB 365-Steelman
 SB 394-Bentley
 SB 293-Steelman, with
 SCA 1
 SB 127-Childers, with SCS
 SB 315-Childers, with SCS
 SB 302-Johnson, et al
 SB 366-House
 SB 380-House

Unofficial
 Reported 2/20

SB 288-Klarich, with SCA 1
 SB 270-Schneider, with SCS

SB 370-Caskey and Goode

RESOLUTIONS

SR 58-Singleton

Journal
 Reported from Committee

SCR 6-Stoll and Loudon
 SCR 8-Caskey
 SCR 10-Staples

SCR 13-Foster
 SCR 14-Mathewson, with
 SCS

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,
 with HCS
 (Senate requests House
 recede or grant conference)

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