

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SIXTH DAY—TUESDAY, MARCH 6, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“I will turn the darkness before them into light, the rough places into level ground.” (Isaiah 42:16)

Heavenly Father, we are grateful that You have given us light to direct us in our darkness and have prepared our path that we might not stumble. May this light shine through us today so that others may also be guided by what we say and do and seek to walk in Your righteous pathways also. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

Bentley	Bland	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	Stelman	Stoll	Westfall
Wiggins	Yeckel—34		

Absent with leave—Senators—None

The Lieutenant Governor was present.

THIRD READING OF SENATE BILLS

SB 366, introduced by Senator House, entitled:

An Act to repeal sections 288.032, 288.034 and 288.100, RSMo 2000, relating to the correction of certain statutory cross-references in chapter 288 of the revised statutes of Missouri, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator House, **SB 366** was read the 3rd time and passed by the following vote:

YEAS—Senators

Carter	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Stelman	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Bentley Bland Stoll—3

Absent with leave—Senator Gross—1

The President declared the bill passed.

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

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

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

SB 380, introduced by Senator House, entitled:

An Act to repeal section 288.090, RSMo 2000, relating to the implementation of the industrial classification system for determination of employer unemployment contributions, 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 House, **SB 380** was read the 3rd time and passed by the following vote:

YEAS—Senators

Carter	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Bentley	Bland—2
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Absent with leave—Senator Gross—1

The President declared the bill passed.

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

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

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

SB 288, with **SCA 1**, introduced by Senator Klarich, entitled:

An Act to repeal sections 351.120, 351.220, 351.268, 351.410, 351.415, 351.435, 351.440, 351.458, 351.478 and 351.482, RSMo 2000, relating to corporations, and to enact in lieu thereof

ten new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

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

On motion of Senator Klarich, **SB 288**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Carter	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	House	Jacob	Johnson
Kenney	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Bentley	Bland	Kinder—3
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Absent with leave—Senator Gross—1

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 Schneider moved that motion lay on the table, which motion prevailed.

SB 270, with **SCS**, introduced by Senator Schneider, entitled:

An Act relating to administrative law judges, with an effective date.

Was called from the Consent Calendar and taken up.

SCS for **SB 270**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 270

An Act to amend chapter 536, RSMo, by adding thereto one new section relating to

administrative law judges, with an effective date.

Was taken up.

Senator Klarich assumed the Chair.

Senator Schneider moved that **SCS** for **SB 270** be adopted, which motion prevailed.

On motion of Senator Schneider, **SCS** for **SB 270** was read the 3rd time and passed by the following vote:

YEAS—Senators

Carter	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	House	Jacob	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Bentley	Bland—2
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Absent with leave—Senator Gross—1

The President declared the bill passed.

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

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

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

SB 370, introduced by Senators Caskey and Goode, entitled:

An Act to repeal sections 456.012, 456.013, 456.700, 456.710, 456.720, 456.730, 456.740, 456.750, 456.760, 456.770, 456.780, 456.790, 456.800, 456.810, and 456.820, RSMo 2000, relating to trusts and estates, and to enact in lieu thereof thirty-five new sections relating to the same subject.

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

On motion of Senator Caskey, **SB 370** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Goode
House	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Scott	Sims	Staples
Steelman	Westfall	Wiggins	Yeckel—24

NAYS—Senators

Bland	Gibbons	Jacob	Schneider—4
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Absent—Senators

Carter	Johnson	Quick	Singleton
Stoll—5			

Absent with leave—Senator Gross—1

The President declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

Senator Rohrbach moved that **SB 391** and **SB 395**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 391** and **395**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 391 and 395

An Act to repeal sections 354.603, 354.618, 376.383, 376.406 and 376.893, RSMo 2000, relating to reimbursement for health care services, and to enact in lieu thereof eight new sections relating to the same subject.

Was taken up.

Senator Rohrbach moved that **SCS** for **SBs 391** and **395** be adopted.

Senator Rohrbach offered **SS** for **SCS** for **SBs 391** and **395**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 391 AND 395

An Act to repeal sections 354.603, 354.618, 376.383, 376.406 and 376.893, RSMo, 2000,

relating to reimbursement for health care services, and to enact in lieu thereof eight new sections relating to the same subject.

Senator Rohrbach moved that **SS** for **SCS** for **SBs 391** and **395** be adopted.

At the request of Senator Rohrbach, **SB 391** and **SB 395**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

Senator Caskey moved that **SB 222** be taken up for perfection, which motion prevailed.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 222, Page 3, Section 149.212, Line 1, by inserting after "149.212." the following: "**1.**"; and further amend line 6, by inserting after all of said line the following:

"2. Any person who sustains economic or commercial injury as a result of a violation of sections 149.200 to 149.215 may bring an action for appropriate injunctive or other equitable relief, including actual damages, if any, and, as determined by the court, interest on such damages from the date of the complaint, taxable costs and reasonable attorney's fees. If the trier of fact finds the violation egregious, the judgment may be increased to an amount not in excess of three times the actual damages sustained."

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SB 222**, with **SA 1** (pending), was placed on the Informal Calendar.

CONCURRENT RESOLUTIONS

Senators Stoll, Caskey, House, Bentley, Kenney and Westfall offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 26

WHEREAS, providing public education is the primary duty of the state after paying state debts, as provided pursuant to Article III, Section 36 of the Missouri Constitution; and

WHEREAS, public school buildings in Missouri have historically been funded mainly by local funds; and

WHEREAS, the ability of school districts to pay for buildings, as measured by a district's assessed value per pupil, varies by a factor of roughly seventeen between the wealthiest and least wealthy district in this state; and

WHEREAS, the Department of Elementary and Secondary Education recently conducted a comprehensive review of school district building needs and found the existing statewide need for new construction and renovation to be in excess of four billion dollars; and

WHEREAS, public education is a labor intensive operation with roughly three-fourths of operating cost supporting salaries and benefits of staff, and most of those salaries being paid to certificated teachers; and

WHEREAS, state school operating aid has increased significantly since the passage of SB 380 in 1993; and

WHEREAS, state minimum salary requirements for teachers have not been increased to keep up with increases in the cost of living; and

WHEREAS, state cost to fully fund state school aid continues to increase significantly each year and requires funds which create hardships for other sectors of society needing access to state funds; and

WHEREAS, the adequacy and equity of funding available to public schools has again become a serious concern across the state, highlighted by the wide range of available operating funding for Missouri school districts, which ranges from \$3500 per pupil to over \$11,000 per pupil:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, that a joint interim committee on education be created to be composed of seven members of the Senate, to be appointed by the President Pro Tem of the Senate, and seven members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that said committee conduct an in-depth study concerning all issues relating to funding for school buildings and building renovation, teachers' salaries, equity and adequacy of distribution of state school aid and overall funding levels for schools and any other education-related issues the committee deems relevant; and

BE IT FURTHER RESOLVED that said committee prepare a report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly prior to the commencement of the Second Regular Session of the Ninety-first General Assembly; and

BE IT FURTHER RESOLVED that said committee may solicit any input and information necessary to fulfill its obligations from the Missouri Department of Elementary and Secondary Education, the State Board of Education, the Department of Higher Education, the Coordinating Board for Higher Education, the State

Tax Commission, all school districts and other political subdivisions of this state, teachers and teacher groups, business and other commercial interests and any other interested persons; and

BE IT FURTHER RESOLVED that House Research, the Committee on Legislative Research, and Senate Research shall provide such legal, research, clerical, technical and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following report:

Mr. President: Your Committee on State Budget Control, to which was referred **SB 32**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Education, to which was referred **SB 353**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 564**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 50** and **SCS** for **SB 317**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the

printed copies furnished the Senators are correct.

Senator Yeckel requested unanimous consent of the Senate to correct the committee report on **SB 191** by sending up the correct version of **SCA 1**, which request was granted.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 191, Page 1, Section 77.450, Line 14, by inserting after the word “regular” the following: “**municipal**”.

REFERRALS

President Pro Tem Kinder referred **SB 135**, **SB 422**, and **SB 76** to the Committee on State Budget Control.

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 **HB 801**, entitled:

An Act relating to compliance with Title V of the federal Gramm-Leach-Bliley Financial Modernization Act of 1999, with an emergency clause.

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 **HB 309**, entitled:

An Act to repeal section 163.191, RSMo 2000, relating to allowable costs for state aid to community colleges, and to enact in lieu thereof one new section 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 **HB 111**, entitled:

An Act to repeal sections 421.005, 421.007, 421.011, 421.022, 421.028, 421.031 and 421.034, RSMo 2000, relating to mattresses, and to enact in lieu thereof seven new sections relating to the same subject, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senators Wiggins and Kenney offered Senate Resolution No. 297, regarding Steven L. Begshaw, Lee’s Summit, which was adopted.

Senator Wiggins offered Senate Resolution No. 298, regarding the One Hundredth Birthday of Catherine Bridget Allen, Kansas City, which was adopted.

On motion of Senator Kenney, the Senate recessed until 3:30 p.m.

RECESS

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

THIRD READING OF SENATE BILLS

SB 290, with **SCS**, introduced by Senators Wiggins and DePasco, entitled:

An Act to repeal sections 86.370, 86.447, 86.450, 86.457, 86.463, 86.483, 86.600, 86.620, 86.675, 86.690, 86.750 and 86.780, RSMo 2000, relating to police relief and pension systems, and to enact in lieu thereof thirteen new sections relating to the same subject.

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

SCS for **SB 290**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 290

An Act to repeal sections 86.370, 86.447, 86.450, 86.457, 86.463, 86.483, 86.600, 86.620,

86.675, 86.690, 86.750 and 86.780, RSMo 2000, relating to police relief and pension systems, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Wiggins moved that **SCS** for **SB 290** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **SB 290** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senators			
Bentley	Carter	Goode	Quick
Scott—5			

Absent with leave—Senator Gross—1

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 Steelman moved that motion lay on the table, which motion prevailed.

SB 264, with **SCS**, introduced by Senator Steelman, entitled:

An Act to repeal sections 104.312 and 104.1051, RSMo 2000, relating to judicial division of benefits, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 264**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 264

An Act to repeal sections 104.312 and 104.1051, RSMo 2000, relating to judicial division of benefits, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Steelman moved that **SCS** for **SB 264** be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **SB 264** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
House	Jacob	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Stelman	Westfall	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senators

Bentley	Carter	Goode	Scott
Stoll—5			

Absent with leave—Senator Gross—1

The President declared the bill passed.

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

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

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

SB 223, introduced by Senator Caskey, entitled:

An Act to repeal section 556.046, RSMo 2000, relating to criminal procedure, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

Senator Singleton assumed the Chair.

On motion of Senator Caskey, **SB 223** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Foster	Gibbons	House
Kenney	Kinder	Klindt	Mathewson
Quick	Russell	Sims	Singleton
Staples	Steelman	Westfall	Wiggins
Yeckel—21			

NAYS—Senators

Bland	Dougherty	Goode	Jacob
Klarich	Loudon	Rohrbach	Schneider—8

Absent—Senators

Carter	Johnson	Scott	Stoll—4
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Absent with leave—Senator Gross—1

The President declared the bill passed.

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

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

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

SB 148, introduced by Senator Goode, entitled:

An Act to repeal sections 21.250 and 116.050, RSMo 2000, relating to powers of the general assembly, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 148** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	House	Jacob
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Carter Johnson Scott Stoll—4

Absent with leave—Senator Gross—1

The President declared the bill passed.

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

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

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

SB 179, introduced by Senator Rohrbach, entitled:

An Act to repeal section 443.851, RSMo 2000, relating to mortgage brokers, 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 Rohrbach, **SB 179** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Carter Scott Stoll—3

Absent with leave—Senator Gross—1

The President declared the bill passed.

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

Senator Rohrbach 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 Kinder moved that **SB 220**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 220** was again taken up.

Senator Kinder moved that **SS** for **SB 220** be adopted, which motion prevailed.

On motion of Senator Kinder, **SS** for **SB 220** was declared perfected and ordered printed.

Senator Mathewson moved that **SB 14** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Mathewson offered **SS** for **SB 14**, entitled:

**SENATE SUBSTITUTE FOR
SENATE BILL NO. 14**

An Act to repeal section 221.425, RSMo 2000, relating to authorizing a sales tax for regional jail districts and associated court facilities, and to enact in lieu thereof two new sections relating to the same subject, with an expiration date.

Senator Mathewson moved that **SS** for **SB 14** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SS** for **SB 14** was declared perfected and ordered printed.

Senator Staples moved that **SB 244** be taken up for perfection, which motion prevailed.

Senator Mathewson offered **SS** for **SB 244**, entitled:

**SENATE SUBSTITUTE FOR
SENATE BILL NO. 244**

An Act to amend chapters 302 and 431, RSMo, by adding thereto two new sections relating to the nonpayment of goods and services.

Senator Mathewson moved that **SS** for **SB 244** be adopted, which motion prevailed.

On motion of Senator Staples, **SS** for **SB 244** was declared perfected and ordered printed.

Senator Childers moved that **SB 52** and **SB 91**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 52** and **91**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 52 and 91

An Act to repeal sections 301.010, 304.001, 304.015, 304.022, 304.180, 304.200, 304.580 and 307.375, RSMo 2000, relating to traffic regulations, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Childers moved that **SCS** for **SBs 52** and **91** be adopted.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 52 and 91, Page 10, Section 304.001, Line 76, by adding after such line the following:

“304.010. 1. As used in this section, the following terms mean:

(1) “Expressway”, a divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which has crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway;

(2) “Freeway”, a limited access divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which does not have any crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway within such ten miles of divided highway;

(3) “Rural interstate”, that part of the federal interstate highway system that is not located in an urban area;

(4) “Urbanized area”, an area of fifty thousand population at a density at or greater than one thousand persons per square mile.

2. Except as otherwise provided in this section,

the uniform maximum speed limits are and no vehicle shall be operated in excess of the speed limits established pursuant to this section:

(1) Upon the rural interstates and freeways of this state, seventy miles per hour, **except that no truck registered for a gross weight of more than twenty-four thousand pounds shall be operated in excess of sixty-five miles per hour upon the rural interstates and freeways of this state;**

(2) Upon the rural expressways of this state, sixty-five miles per hour;

(3) Upon the interstate highways, freeways or expressways within the urbanized areas of this state, sixty miles per hour;

(4) All other roads and highways in this state not located in an urbanized area and not provided [by] **for** in subdivisions (1) to (3) of this subsection, sixty miles per hour;

(5) All other roads provided for in subdivision (4) of this subsection shall not include any state two-lane road which is identified by letter. Such lettered roads shall not exceed fifty-five miles per hour unless set at a higher speed as established by the department of transportation, except that no speed limit shall be set higher than sixty miles per hour;

(6) For the purposes of enforcing the speed limit laws of this state, it is a rebuttable presumption that the posted speed limit is the legal speed limit.

3. On any state road or highway where the speed limit is not set pursuant to a local ordinance, the highways and transportation commission may set a speed limit higher or lower than the uniform maximum speed limit provided in subsection 2 of this section, if a higher or lower speed limit is recommended by the department of transportation. The department of public safety, where it believes for safety reasons, or to expedite the flow of traffic a higher or lower speed limit is warranted, may request the department of transportation to raise or lower such speed limit, except that no speed limit shall be set higher than seventy miles per hour.

4. Notwithstanding the provisions of section 304.120 or any other provision of law to the contrary, cities, towns and villages may regulate the

speed of vehicles on state roads and highways within such cities', towns' or villages' corporate limits by ordinance with the approval of the state highways and transportation commission. Any reduction of speed in cities, towns or villages shall be designed to expedite the flow of traffic on such state roads and highways to the extent consistent with public safety. The commission may declare any ordinance void if it finds that such ordinance is:

(1) Not primarily designed to expedite traffic flow; and

(2) Primarily designed to produce revenue for the city, town or village which enacted such ordinance. If an ordinance is declared void, the city, town or village shall have any future proposed ordinance approved by the highways and transportation commission before such ordinance may take effect.

5. The county commission of any county of the second, third or fourth classification may set the speed limit or the weight limit or both the speed limit and the weight limit on roads or bridges on any county, township or road district road in the county and, with the approval of the state highways and transportation commission, on any state road or highway not within the limits of any incorporated city, town or village, lower than the uniform maximum speed limit as provided in subsection 2 of this section where the condition of the road or the nature of the area requires a lower speed. The commission shall send copies of any order establishing a speed limit or weight limit on roads and bridges on a county, township or road district road in the county to the chief engineer of the state department of transportation, the superintendent of the state highway patrol and to any township or road district maintaining roads in the county. After the roads have been properly marked by signs indicating the speed limits and weight limits set by the county commission, the speed limits and weight limits shall be of the same effect as the speed limits provided for in subsection [1] 2 of this section and shall be enforced by the state highway patrol and the county sheriff as if such speed limits and weight limits were established by state law.

6. All road signs indicating speed limits or

weight limits shall be uniform in size, shape, lettering and coloring and shall conform to standards established by the department of transportation.

7. The provisions of this section shall not be construed to alter any speed limit set below fifty-five miles per hour by any ordinance of any county, city, town or village of the state adopted before March 13, 1996.

8. The speed limits established pursuant to this section shall not apply to the operation of any emergency vehicle as defined in section 304.022.

9. A violation of the provisions of this section shall not be construed to relieve the parties in any civil action on any claim or counterclaim from the burden of proving negligence or contributory negligence as the proximate cause of any accident or as the defense to a negligence action.

10. Any person violating the provisions of this section is guilty of a class C misdemeanor, unless such person was exceeding the posted speed limit by twenty miles per hour or more then it is a class B misdemeanor.

11. As used in this section, the word "truck" means any vehicle, machine, tractor, trailer or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways. The term "truck" also includes a commercial motor vehicle as defined in section 301.010, RSMo.

12. (1) The operator of any truck registered for a gross weight of more than twenty-four thousand pounds operating such vehicle at a speed in excess of seventy miles per hour shall be fined one thousand dollars.

(2) The fine provided for in this subsection is in addition to all other fines and court costs imposed for the speeding violation."; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Steelman assumed the Chair.

Senator Goode offered **SSA 1** for **SA 1**:

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

Amend Senate Committee Substitute for Senate Bills Nos. 52 and 91, Page 10, Section 304.001, Line 76, by inserting after all of said line the following:

“304.010. 1. As used in this section, the following terms mean:

(1) “Expressway”, a divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which has crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway;

(2) “Freeway”, a limited access divided highway of at least ten miles in length with four or more lanes which is not part of the federal interstate system of highways which does not have any crossovers or accesses from streets, roads or other highways at the same grade level as such divided highway within such ten miles of divided highway;

(3) “Rural interstate”, that part of the federal interstate highway system that is not located in an urban area;

(4) “Urbanized area”, an area of fifty thousand population at a density at or greater than one thousand persons per square mile.

2. Except as otherwise provided in this section, the uniform maximum speed limits are and no vehicle shall be operated in excess of the speed limits established pursuant to this section:

(1) Upon the rural interstates and freeways of this state, seventy miles per hour, **except that no truck registered for a gross weight of more than thirty-six thousand pounds shall be operated in excess of sixty-five miles per hour upon the rural interstates and freeways of this state;**

(2) Upon the rural expressways of this state, sixty-five miles per hour, **except that no truck registered for a gross weight of more than thirty-six thousand pounds shall be operated in excess of sixty miles per hour upon the rural**

expressways of this state;

(3) Upon the interstate highways, freeways or expressways within the urbanized areas of this state, sixty miles per hour, **except that no truck registered for a gross weight of more than thirty-six thousand pounds shall be operated in excess of fifty-five miles per hour upon the interstate highways, freeways or expressways of this state;**

(4) All other roads and highways in this state not located in an urbanized area and not provided [by] **for** in subdivisions (1) to (3) of this subsection, sixty miles per hour;

(5) All other roads provided for in subdivision (4) of this subsection shall not include any state two-lane road which is identified by letter. Such lettered roads shall not exceed fifty-five miles per hour unless set at a higher speed as established by the department of transportation, except that no speed limit shall be set higher than sixty miles per hour;

(6) For the purposes of enforcing the speed limit laws of this state, it is a rebuttable presumption that the posted speed limit is the legal speed limit.

3. On any state road or highway where the speed limit is not set pursuant to a local ordinance, the highways and transportation commission may set a speed limit higher or lower than the uniform maximum speed limit provided in subsection 2 of this section, if a higher or lower speed limit is recommended by the department of transportation. The department of public safety, where it believes for safety reasons, or to expedite the flow of traffic a higher or lower speed limit is warranted, may request the department of transportation to raise or lower such speed limit, except that no speed limit shall be set higher than seventy miles per hour.

4. Notwithstanding the provisions of section 304.120 or any other provision of law to the contrary, cities, towns and villages may regulate the speed of vehicles on state roads and highways within such cities', towns' or villages' corporate limits by ordinance with the approval of the state highways and transportation commission. Any reduction of speed in cities, towns or villages shall

be designed to expedite the flow of traffic on such state roads and highways to the extent consistent with public safety. The commission may declare any ordinance void if it finds that such ordinance is:

(1) Not primarily designed to expedite traffic flow; and

(2) Primarily designed to produce revenue for the city, town or village which enacted such ordinance. If an ordinance is declared void, the city, town or village shall have any future proposed ordinance approved by the highways and transportation commission before such ordinance may take effect.

5. The county commission of any county of the second, third or fourth classification may set the speed limit or the weight limit or both the speed limit and the weight limit on roads or bridges on any county, township or road district road in the county and, with the approval of the state highways and transportation commission, on any state road or highway not within the limits of any incorporated city, town or village, lower than the uniform maximum speed limit as provided in subsection 2 of this section where the condition of the road or the nature of the area requires a lower speed. The commission shall send copies of any order establishing a speed limit or weight limit on roads and bridges on a county, township or road district road in the county to the chief engineer of the state department of transportation, the superintendent of the state highway patrol and to any township or road district maintaining roads in the county. After the roads have been properly marked by signs indicating the speed limits and weight limits set by the county commission, the speed limits and weight limits shall be of the same effect as the speed limits provided for in subsection [1] 2 of this section and shall be enforced by the state highway patrol and the county sheriff as if such speed limits and weight limits were established by state law.

6. All road signs indicating speed limits or weight limits shall be uniform in size, shape, lettering and coloring and shall conform to standards established by the department of transportation.

7. The provisions of this section shall not be

construed to alter any speed limit set below fifty-five miles per hour by any ordinance of any county, city, town or village of the state adopted before March 13, 1996.

8. The speed limits established pursuant to this section shall not apply to the operation of any emergency vehicle as defined in section 304.022.

9. A violation of the provisions of this section shall not be construed to relieve the parties in any civil action on any claim or counterclaim from the burden of proving negligence or contributory negligence as the proximate cause of any accident or as the defense to a negligence action.

10. Any person violating the provisions of this section is guilty of a class C misdemeanor, unless such person was exceeding the posted speed limit by twenty miles per hour or more then it is a class B misdemeanor.

11. As used in this section, the word "truck" means any vehicle, machine, tractor, trailer or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed for or used in the transportation of property upon the highways. The term "truck" also includes a commercial motor vehicle as defined in section 301.010, RSMo.

12. (1) When the operation of any truck as defined in subsection 11 of this section pleads guilty or nolo contendere to or is found guilty of operating such vehicle at a speed in excess of five miles per hour over the posted limit, the operator shall be fined fifty dollars for each mile per hour in excess of five miles per hour over the posted or legal speed limit.

(2) The fine provided for in this subsection is in addition to all other fines and court costs imposed for the violation."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above substitute amendment be adopted.

At the request of Senator Childers, **SB 52** and **SB 91**, with **SCS, SA 1** and **SSA 1** for **SA 1** (pending), were placed on the Informal Calendar.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time and referred to the Committees indicated:

- SB 546**—Pensions and General Laws.
- SB 550**—Judiciary.
- SB 551**—Aging, Families and Mental Health.
- SB 552**—Public Health and Welfare.
- SB 553**—Local Government and Economic Development.
- SB 554**—Financial and Governmental Organization, Veterans' Affairs and Elections.
- SB 555**—Commerce and Environment.
- SB 556**—Financial and Governmental Organization, Veterans' Affairs and Elections.
- SB 557**—Judiciary.
- SB 558**—Public Health and Welfare.
- SB 559**—Public Health and Welfare.
- SB 560**—Civil and Criminal Jurisprudence.
- SB 561**—Local Government and Economic Development.
- SB 562**—Ways and Means.
- SB 563**—Ways and Means.
- SB 565**—Transportation.
- SB 566**—Ways and Means.
- SB 567**—Ways and Means.
- SB 569**—Public Health and Welfare.
- SB 570**—Public Health and Welfare.
- SB 571**—Local Government and Economic Development.
- SB 572**—Insurance and Housing.
- SB 573**—Local Government and Economic Development.
- SB 574**—Education.
- SB 575**—Education.
- SB 576**—Education.
- SB 577**—Ways and Means.
- SB 578**—Public Health and Welfare.

- SB 579**—Labor and Industrial Relations.
- SB 580**—Labor and Industrial Relations.
- SB 581**—Pensions and General Laws.
- SB 582**—Local Government and Economic Development.
- SB 583**—Financial and Governmental Organization, Veterans' Affairs and Elections.
- SB 584**—Ways and Means.
- SB 585**—Judiciary.
- SB 587**—Agriculture, Conservation, Parks and Tourism.
- SB 588**—Public Health and Welfare.
- SB 589**—Local Government and Economic Development.
- SB 590**—Local Government and Economic Development.

REFERRALS

President Pro Tem Kinder referred **SB 50** and **SCS** for **SB 317** to the Committee on State Budget Control.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 299, regarding Carol Voss, Jefferson County, which was adopted.

Senator Stoll offered Senate Resolution No. 300, regarding Jake Callahan, Cedar Hill, which was adopted.

Senator Gibbons offered Senate Resolution No. 301, regarding Katie Fernandez, Kirkwood, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

March 6, 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 James

Mathewson to the Joint Committee on Economic Development Policy and Planning (RSMo 620.602).

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,

March 6, 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 Bill Foster to the Joint Committee on Economic Development Policy and Planning (RSMo 620.602).

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,

March 6, 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 DePasco to serve on the Joint Committee on Public Employee Retirement (RSMo 21.553).

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,

March 6, 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 Russell to serve on the Joint Committee on Public Employee Retirement (RSMo 21.553).

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,

March 6, 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 Scott to serve on the Joint Committee on Public Employee Retirement (RSMo 21.553).

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 Klarich introduced to the Senate, Vern Tobben, Washington; and Hermann and Maria Schick, Germany.

Senator DePasco introduced to the Senate, Leslie Miller-Kincaid and Angy Pyle, Kansas City.

Senator Sims introduced to the Senate, Keely Cook, Jackie Pelker, Tori McGrath, Trisha Weatherly, Kelly Marti and Nancy Costello from St. Louis University.

Senator Cauthorn introduced to the Senate, Les and Carol Runde, Mexico.

Senator Wiggins introduced to the Senate, Annette Waugh and a group of Methodist women from Grandview.

Senator Johnson introduced to the Senate, Jordan Taylor, Ellen Zubeck, Matt and Joel Nespory, Katie Lackey, Katee and Ethan McLean, Jessica Praiswater, Nikki Lemons, Connor Flynt, Gwen Brune, Dee Flynt, Diane Nespory and Pat Brune, Platte City Middle School, Platte City.

Senator Kenney introduced to the Senate, Kristin and Patricia Stueva, Independence.

Senator Dougherty introduced to the Senate, Mary Taylor and Debra Klopert, St. Louis.

Senator Stoll introduced to the Senate, Cathy Hippert and the Festus Elementary Quest Class, Festus; and Jordan Sinclair and Jeremy Dunn were made honorary pages.

Senator Bentley introduced to the Senate, Shelli Gilbert and Judy Rockafellow, Springfield.

Senator Yeckel introduced to the Senate, Sue Lopez and twenty girl scouts from St. Catherine's Parish, St. Louis; and Veronica Merz, Anne Lopez, Rachel Yanker and Melissa Stumpf were made honorary pages.

Senator Bentley introduced to the Senate, Linda Hyde, David Baker and Sandra Larkin, Springfield.

Senator Wiggins introduced to the Senate, Mrs. Ledgerwood and her son, Steven, Mrs. Fulson and her daughter, Cassie, and Kyle Mack, Raytown; and Steven, Cassie and Kyle were made honorary pages.

Senator Wiggins introduced to the Senate, Mitchell K. Herman and Matthew Borgmeyer, Jefferson City.

Senator Foster introduced to the Senate, Ben Counce, Kristi Hall, Kenny Lee, Ron Moody and twelve fourth and eighth grade students from

Caruthersville Elementary School and Caruthersville Middle School, Caruthersville; and Amanda Hudgens, Leslie Gale, Punam Patel, Brittany Kellar, Greg Chauncey, Kevin House, Plessie Ellitt, Meagan Hall, Alston Lee, Lindsey Moody, Viraj Patel and Samantha Sellers were made honorary pages.

Senator Caskey introduced to the Senate, Beth Knott and Patty Schreihof, Belton.

Senator Kenney introduced to the Senate, Teresa Turner, John Ketterman, John Jarrett and seven fourth through eighth grade students from Good Shepherd Academy, Lee's Summit; and Zach Burmaster, Taylor Higginbotham, Jessica Jarrett, Zane Ketterman, Rachel Burmaster and Ester Williamson were made honorary pages.

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

Journal

SENATE CALENDAR

THIRTY-SEVENTH DAY—WEDNESDAY, MARCH 7, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 586-Klindt
SB 591-Kenney
SB 592-Caskey
SB 593-Klindt
SB 594-Klindt
SB 595-Westfall
SB 596-Loudon
SB 597-Singleton
SB 598-Singleton
SB 599-Singleton and
DePasco
SB 600-Singleton
SB 601-House and Gross
SB 602-Steelman
SB 603-Jacob

SB 604-Jacob
SRB 606-Rohrbach and
Gibbons
SB 607-Johnson
SB 608-Yeckel
SB 609-Westfall
SB 610-Westfall
SB 611-Loudon
SB 612-Loudon
SB 613-Gibbons
SB 614-Gross and House
SB 615-Foster, et al
SB 616-Steelman
SB 617-Steelman
SB 618-Yeckel

SB 620-Gibbons
 SB 621-Gibbons
 SB 622-Westfall
 SB 623-Westfall

SB 624-Wiggins
 SB 625-Stoll
 SB 626-Bentley
 SB 628-Jacob
 SB 629-Jacob
 SB 630-Bland, et al

HOUSE BILLS ON SECOND READING

HCS for HBs 302 & 38
 HJR 5-Barry, et al
 HB 163-Berkowitz and Wagner
 HCS for HBs 205, 323 & 549
 HB 219-Townley, et al
 HCS for HBs 441, 94 & 244
 HB 575-O'Connor, et al
 HB 621-Gratz and Vogel
 HB 288-Campbell
 HB 266-Treadway
 HB 236-Smith
 HB 180-Thompson, et al
 HB 133-Gambaro

HB 48-Relford
 HB 78-Kennedy and
 Richardson
 HB 262-Linton, et al
 HCS for HBs 144 & 46
 HS for HCS for HBs 328 &
 88-Harlan
 HCS for HB 207
 HCS for HB 567
 HCS for HB 241
 HB 801-Liese and Wagner
 HB 309-McKenna, et al
 HB 111-Ladd Baker

THIRD READING OF SENATE BILLS

SB 32-Kinder
 SB 97-Bentley
 (In Budget Control)
 SB 123-Kinder

SB 50-Childers
 (In Budget Control)
 SCS for SB 317-Stoll
 (In Budget Control)

SENATE BILLS FOR PERFECTION

1. SB 267-Klarich and
 Schneider, with SCS
2. SB 381-Klarich
3. SB 114-Loudon, with
 SCS
4. SB 339-Stoll and
 Childers, with SCA 1
5. SB 48-Sims, with SCS
6. SB 400-Kenney, et al

7. SB 374-Steelman, with
 SCS
8. SB 239-Stoll, with SCS
9. SBs 238 & 250-Staples,
 et al, with SCS
10. SB 445-Singleton,
 with SCS
11. SBs 22 & 106-Singleton,
 with SCS

- 12. SBs 214, 124, 209 &
322-Gross, et al, with SCS
- 13. SJR 9-Goode, et al
- 14. SB 438-Bentley and Stoll

- 15. SB 251-Kinder
- 16. SB 375-Steelman, with SCS
- 17. SB 392-Kenney and DePasco
- 18. SB 372-Gibbons, with SCS
- 19. SB 454-Kinder, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- SBs 39 & 269-Klarich and
Goode, with SCS and SS
for SCS (pending)
- SBs 52 & 91-Childers,
with SCS, SA 1 & SSA 1
for SA 1 (pending)
- SB 65-Gibbons, with SCS
- SBs 67 & 40-Gross, with SCS
- SBs 89 & 37-Kinder, with SCS
- SB 184-Johnson, et al, with
SS & SA 2 (pending)

- SB 222-Caskey, with SA 1
(pending)
- SB 226-Goode, et al, with SCS
- SBs 253 & 260-Gross, with SCS
- SBs 323 & 230-Childers,
et al, with SCS (pending)
- SBs 391 & 395-Rohrbach,
with SCS & SS for SCS
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 2/26

SB 371-Scott
SB 316-Stoll
SB 341-Jacob, with SCS
SB 4-Wiggins, et al, with SCS
SB 383-Johnson, with SCS
(In Budget Control)

SB 430-Dougherty
SB 441-Caskey

Reported 2/27

SB 151-Childers, with SCS
 SB 135-Wiggins
 (In Budget Control)
 SB 422-Steelman
 (In Budget Control)

SB 149-Goode, with SCS
 SB 76-Wiggins (In Budget
 Control)
 SB 234-Wiggins, with SCS
 SB 416-Stoll

Reported 3/5

SBs 215 & 440-Gross, with SCS
 SB 443-Staples
 SB 406-Westfall
 SB 407-Dougherty, with SCS
 SB 421-Gross
 SB 435-Goode
 SB 436-Goode
 SB 442-Caskey

SB 491-Rohrbach, with SCS
 SB 345-House
 SB 191-Goode, with SCAs 1 & 2
 SB 354-Johnson and Scott,
 with SCS
 SB 200-Sims
 SB 449-Sims
 SB 393-Sims, with SCS

Reported 3/6

SB 353-Johnson

SB 564-Rohrbach, et al,
 with SCS

RESOLUTIONS

SR 58-Singleton

To be Referred

SCR 26-Stoll, et al

Reported from Committee

SCR 8-Caskey
 SCR 10-Staples
 SCR 13-Foster
 SCR 14-Mathewson, with SCS

SCR 16-Yeckel
 SCR 17-Steelman, et al
 SCR 18-Goode
 SCR 20-Kinder

Requests to Recede or Grant Conference

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