

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SEVENTH DAY—WEDNESDAY, MARCH 7, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“You will seek the Lord your God, and you will find him if you search after him with all your heart and soul.” (Deuteronomy 4:29)

How grateful we are Heavenly Father, that You do not hide from us when we seek You. We thank You for Your love and Your gentle push to seek ways to serve You even here. Create in us the desire to stay within the security of Your care this day and every day. 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 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 Rohrbach offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 302

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Jefferson City Downtown Rotary Club has sought to instill values of high integrity within our youth and to provide an opportunity for Missouri students to experience state government firsthand; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate Chamber for beneficial purposes; and

WHEREAS, this year, the Downtown Rotary Club is sponsoring its annual Student Government Day, an event which will be highlighted by a meeting in the Senate Chamber at our State Capitol:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, hereby grant the Jefferson City Rotary Club permission to use the Senate Chamber for the purpose of conducting Student Government Day on March 19, 2001.

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 383**, with **SCS**, begs leave to report that it has considered the same and recommends that the bill do pass.

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 **SS** for **SB 244** and **SS** for **SB 14**, 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.

THIRD READING OF SENATE BILLS

SB 316, introduced by Senator Stoll, entitled:

An Act to amend chapter 169, RSMo, by adding thereto one new section relating to certain school retirement systems.

Was called from the Consent Calendar and taken up.

Senator Rohrbach assumed the Chair.

On motion of Senator Stoll, **SB 316** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Singleton—1

Absent—Senators—None

Absent with leave—Senators

Bland	Jacob—2
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The President declared the bill passed.

On motion of Senator Stoll, title to the bill was

agreed to.

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

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

SB 4, with **SCS**, introduced by Senator Wiggins, et al, entitled:

An Act to repeal sections 84.480 and 84.510, RSMo 2000, relating to certain police officers, 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 4**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 4

An Act to repeal sections 32.056, 84.480 and 84.510, RSMo 2000, relating to certain police officers, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Wiggins moved that **SCS** for **SB 4** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **SB 4** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Quick—1

Absent with leave—Senators

Bland	Jacob—2
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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 Dougherty moved that motion lay on the table, which motion prevailed.

SB 430, introduced by Senator Dougherty, entitled:

An Act to repeal section 71.640, RSMo 2000, relating to taxation for band funds in certain municipalities, 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 Dougherty, **SB 430** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senators

Bland	Jacob—2
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The President declared the bill passed.

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

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

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

SB 383, with **SCS**, introduced by Senator Johnson, entitled:

An Act to authorize the conveyance of property owned by the state in Platte County to Kansas City International Airport.

Was called from the Consent Calendar and taken up.

SCS for **SB 383**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 383

An Act to authorize the conveyance of property owned by the state in Platte County to Kansas City International Airport.

Was taken up.

Senator Johnson moved that **SCS** for **SB 383** be adopted, which motion prevailed.

On motion of Senator Johnson, **SCS** for **SB 383** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bentley	Staples—2
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Absent with leave—Senators

Bland	Jacob—2
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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 Scott moved that motion lay on the table, which motion prevailed.

SB 371, introduced by Senator Scott, entitled:

An Act to repeal sections 104.170, 104.312, 104.330, 104.339, 104.343, 104.372, 104.374, 104.395, 104.401, 104.420, 104.450, 104.515, 104.518, 104.530, 104.600, 104.601, 104.602, 104.620, 104.1003, 104.1024, 104.1030, 104.1051,

104.1072, 104.1078, 104.1093, 226.092, 226.160 and 476.524, RSMo 2000, relating to public retirement systems, and to enact in lieu thereof twenty-seven new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 371** was read the 3rd time and passed by the following vote:

YEAS—Senators

Carter	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Bentley Johnson Staples—3

Absent with leave—Senators

Bland Jacob—2

The President declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

Senator Klarich moved that **SB 39** and **SB 269**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Klarich, **SS** for **SCS** for **SBs 39** and **269** was withdrawn.

Senator Klarich offered **SS No. 2** for **SCS** for **SBs 39** and **269**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 39 and 269

An Act to repeal section 537.675, RSMo 2000,

relating to judicial and administrative procedures, and to enact in lieu thereof seven new sections relating to the same subject.

Senator Klarich moved that **SS No. 2** for **SCS** for **SBs 39** and **269** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 39 and 269, Page 9, Section 537.681, Line 13, of said page by deleting the letter “g” as it appears on said line and inserting in lieu thereof the letter “e”; and

Further amend said bill, page and section, line 14 of said page, by deleting the number “3” as it appears on said line and inserting in lieu thereof the number “5”.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 39 and 269, Page 14, Section 537.690, Line 12, of said page, by striking the following: “, as” and further amend line 13 of said page, by striking said line and inserting in lieu thereof the following: “**by appealing, within twenty days of a final decision to the appellate court having jurisdiction in the area where the appellant resides. In such**”.

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

Senator Klarich moved that **SS No. 2** for **SCS** for **SBs 39** and **269**, as amended, be adopted, which motion prevailed.

On motion of Senator Klarich, **SS No. 2** for **SCS** for **SBs 39** and **269**, as amended, was declared perfected and ordered printed.

Senator Klarich moved that **SB 267**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 267**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 267

An Act to repeal sections 43.503, 56.085, 67.133, 452.556, 455.040, 479.150, 482.330, 483.500, 488.426, 488.445, 514.440, 534.070, 550.120, 574.075, 575.200 and 610.105, RSMo 2000, and section 303.041 as enacted in house bill no. 1797 by the ninetieth general assembly, second regular session and as enacted in senate bill no. 19 by the ninetieth general assembly, first regular session, relating to court procedures, and to enact in lieu thereof sixteen new sections relating to the same subject.

Was taken up.

Senator Klarich moved that SCS for SB 267 be adopted.

Senator Klarich offered SS for SCS for SB 267, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 267

An Act to repeal sections 43.503, 56.085, 67.133, 287.610, 303.025, 452.556, 455.040, 476.010, 478.610, 479.150, 482.330, 483.500, 487.020, 488.426, 488.445, 488.607, 488.5336, 490.130, 491.300, 494.410, 508.190, 534.070, 550.120, 565.030, 574.075, 575.200 and 610.105, RSMo 2000, section 303.041 as enacted by senate substitute for house substitute for house committee substitute for house bill no. 1797, ninetieth general assembly, second regular session and section 303.041 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, relating to court procedures, and to enact in lieu thereof thirty new sections relating to the same subject, with penalty provisions.

Senator Klarich moved that SS for SCS for SB 267 be adopted.

Senator Dougherty offered SA 1:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 20, Section 476.365, Line 21 of said page, by inserting

after all of said line the following:

“476.777. 1. There is hereby established in the state treasury a special fund, to be known as the “Missouri CASA Fund”. The state treasurer shall credit to and deposit in the Missouri CASA fund all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants, bequests or other aid received from federal, private or other sources. The general assembly may appropriate moneys into the fund to support the court-appointed special advocate (CASA) program throughout the state.

2. The state treasurer shall invest moneys in the Missouri CASA fund in the same manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings resulting from the investment of moneys in the fund shall be credited to the Missouri CASA fund.

3. The state courts administrator shall administer and disburse moneys in the Missouri CASA fund based on the following requirements:

(1) The office of state courts administrator shall set aside funding for new start-up CASA programs throughout the state;

(2) Every recognized CASA program shall receive a base rate allocation, with availability of additional funding based on the number of children with abuse or neglect cases under the jurisdiction of the court; and

(3) All CASA programs being considered for funding shall be recognized by and affiliated with the state and national CASA associations.

4. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the Missouri CASA fund shall not revert to the credit of the general revenue fund at the end of the biennium.”; and

Further amend the title and enacting clause accordingly.

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

Senator Kinder offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 2, Section A, Line 7 of said page, by inserting immediately after said line the following:

“34.360. Sections 34.360 to 34.371 of this act may be known and may be cited as the “Private Attorney Retention Act”.

34.363. For the purposes of sections 34.360 to 34.371, a contract is a contract or contracts in which the fee paid to an attorney or group of attorneys, either in the form of a flat, hourly, or contingent fee, and their expenses, exceeds or can be reasonably expected to exceed one hundred thousand dollars in any fiscal year.

34.369. No state agency shall enter into a contract or contracts for legal services or encumber on behalf of any such contract or contracts in an amount exceeding one hundred thousand dollars in any fiscal year without a specific appropriation for that purpose.

34.371. At the conclusion of any legal proceeding for which a state agency retained outside counsel on a contingent fee basis, the state agency shall receive from counsel a statement of the hours worked on the case, expenses incurred, the aggregate fee amount, and a breakdown as to the hourly rate, based on hours worked divided into fee recovered, less expenses. Each state agency shall transmit the information to the office of administration on October 1 for the preceding fiscal year and the office of administration shall submit a report to the general assembly before January 1, annually.”; and

Further amend the title and enacting clause accordingly.

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

Senator Loudon offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 39,

Section 610.105, Line 19, by inserting immediately after said line the following:

“610.120. 1. Records required to be closed or sealed shall not be destroyed; they shall be inaccessible to the general public and to all persons other than the defendant except as provided in this section and section 43.507, RSMo. They shall be available to the sentencing advisory commission created in section 558.019, RSMo, for the purpose of studying sentencing practices, and only to courts, law enforcement agencies, child care agencies, department of revenue for driving record purposes, facilities as defined in section 198.006, RSMo, in-home services provider agencies as defined in section 660.250, RSMo, the division of workers' compensation for the purposes of determining eligibility for crime victims' compensation pursuant to sections 595.010 to 595.075, RSMo, and federal agencies for purposes of prosecution, sentencing, parole consideration, criminal justice employment, child care employment, nursing home employment and to federal agencies for such investigative purposes as authorized by law or presidential executive order. These records shall be made available for the above purposes regardless of any previous statutory provision which had closed or sealed such records to certain agencies or for certain purposes. All records which are closed or sealed records shall be removed from the records of the courts, administrative agencies, and law enforcement agencies which are available to the public and shall be kept in separate records which are to be held confidential and, where possible, pages of the public record shall be retyped or rewritten omitting those portions of the record which deal with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature of the record books, such record entries shall be blacked out and recopied in a confidential book.

2. As used in this section, the term “child care” includes providers and youth services agencies as those terms are defined in section 43.540, RSMo, elementary and secondary school teachers, and elementary and secondary school bus drivers, whether such drivers are employed by a school or an entity which has contracted with the school to provide transportation services.

610.122. Notwithstanding other provisions of law to the contrary, any record of arrest recorded pursuant to section 43.503, RSMo, may be expunged if the court determines that:

(1) The arrest was based on false information and the following conditions exist:

[(1)] (a) There is no probable cause, at the time of the action to expunge, to believe the individual committed the offense;

[(2)] (b) No charges will be pursued as a result of the arrest;

[(3)] (c) The subject of the arrest has no prior or subsequent misdemeanor or felony convictions **or suspended impositions of sentence and there are no pending criminal investigations regarding the arrest;**

[(4)] (d) The subject of the arrest did not receive a suspended imposition of sentence for the offense for which the arrest was made or for any offense related to the arrest; and

[(5)] (e) No civil action is pending relating to the arrest or the records sought to be expunged; or

(2) No criminal charges have been filed against the subject of the arrest within ten years from the date of such arrest.

610.130. Sections 610.130 to 610.140 may be cited as the “Missouri Rehabilitation and Sealed Records Act”.

610.132. For the purposes of sections 610.130 to 610.140, the following terms mean:

(1) “Sex-related offense”, any crime defined in chapter 566, RSMo, section 568.020, RSMo, subdivision (2) of subsection 1 of section 568.045, RSMo, subdivision (2) of subsection 1 of section 568.060, RSMo, section 568.080, RSMo, or section 568.090, RSMo; and

(2) “Violent felony”, any crime punishable as a class A felony, any intentional act punishable as a class B felony, or any crime in which a deadly weapon, as defined in section 556.061, RSMo, was used or displayed.

610.134. A person who has pled guilty to or been found guilty of no more than one felony nor more than two misdemeanors may petition

the circuit court to have such person's record, including juvenile records, sealed, if the person:

(1) Has not pled guilty to or been found guilty of a misdemeanor or pled guilty to or been found guilty of a felony for at least ten consecutive years, after being discharged from probation or released from incarceration;

(2) Is not currently on probation or parole;

(3) Has not pled guilty to or been found guilty of a violent felony;

(4) Has not pled guilty to or been found guilty of a sex-related offense;

(5) Has not pled guilty to or been found guilty of any offense of distributing a controlled substance as described in chapter 195, RSMo, and punishable as a class A or B felony;

(6) Has not previously petitioned to have such person's records sealed pursuant to the provisions of sections 610.130 to 610.140;

(7) Has not been convicted, as that term is defined in section 302.700, RSMo, for the operation of a commercial motor vehicle, as defined in section 302.700, RSMo, with a blood alcohol content of at least four-hundredths of one percent; and

(8) Is at least twenty-five years of age.

610.136. If the court finds that a person has met the requirements of section 610.134, the court may in the court's discretion after considering the totality of the circumstances set aside all verdicts or findings of guilty and allow the petitioner to withdraw all pleas of guilty and may dismiss with prejudice all cases against the petitioner, and may order all criminal and juvenile records of the petitioner to be sealed. Notwithstanding any other provision of law to the contrary, such petitioners waive all rights of being employed by any Missouri-licensed gambling operation. If the petitioner is arrested for committing any crime, other than minor traffic offenses, during the pendency of the action filed pursuant to the provisions of sections 610.130 to 610.140, the court shall stay such action until the resolution of any indictment or information filed pursuant to

such arrest.

610.138. 1. A person who knowingly fails to seal, or knowingly releases records or information which have been ordered sealed pursuant to sections 610.130 to 610.140, is guilty of a class B misdemeanor.

2. A person who uses records or information for financial gain, knowing that such records or information have been ordered sealed pursuant to sections 610.130 to 610.140, is guilty of a class D felony.

610.140. 1. The sealing of any record pursuant to the provisions of sections 610.130 to 610.140 shall not reflect on the validity of the arrest or conviction and shall not be construed to indicate a lack of probable cause for the arrest.

2. The petitioner shall not bring any action subsequent to the sealing against any law enforcement officer or law enforcement agency relating to the arrest or conviction described in the sealed records.

3. Neither the public nor law enforcement agencies shall have access to records sealed pursuant to sections 610.130 to 610.140.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

At the request of Senator Klarich, **SB 267**, with **SCS, SS** for **SCS** and **SA 3** (pending), was placed on the Informal Calendar.

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 431**, entitled:

An Act to repeal section 190.500, RSMo 2000, relating to health care licensure, 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 202**, entitled:

An Act to repeal sections 238.207, 238.216, 238.220, 238.235 and 238.252, RSMo 2000, relating to transportation development districts, and to enact in lieu thereof five 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 **HB 129**, entitled:

An Act to amend chapter 136, RSMo, relating to collection of state taxes by adding thereto one new section relating to government contracts for the examination of taxpayer records.

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 157**, entitled:

An Act to repeal sections 193.185 and 451.080, RSMo 2000, relating to marriage licenses, and to enact in lieu thereof two new sections relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Quick offered Senate Resolution No. 303, regarding Ms. Patricia D. Reynolds, Kansas City, which was adopted.

Senator Jacob offered Senate Resolution No.

304, regarding Ms. Connie Fenton, Columbia, which was adopted.

On motion of Senator Kenney, the Senate recessed until 3:00 p.m.

RECESS

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

THIRD READING OF SENATE BILLS

SB 441, introduced by Senator Caskey, entitled:

An Act to repeal section 95.280, RSMo 2000, relating to cities of the third classification, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 441** was read the 3rd time and passed by the following vote:

YEAS—Senators

Caskey	Cauthorn	DePasco	Dougherty
Foster	Gibbons	Gross	House
Jacob	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Scott	Staples	Steelman	Wiggins

Yeckel—21

NAYS—Senators—None

Absent—Senators

Bentley	Bland	Carter	Childers
Goode	Johnson	Rohrbach	Russell
Schneider	Sims	Singleton	Stoll

Westfall—13

Absent with leave—Senators—None

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

SB 341, with **SCS**, introduced by Senator Jacob, entitled:

An Act to repeal sections 57.010, 590.100, 590.130, 590.170 and 590.175, RSMo 2000, relating to law enforcement agencies, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for SB 341, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 341

An Act to repeal sections 57.010, 590.100, 590.130, 590.170 and 590.175, RSMo 2000, relating to law enforcement agencies, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

Senator Jacob moved that **SCS for SB 341** be adopted, which motion prevailed.

On motion of Senator Jacob, **SCS for SB 341** was read the 3rd time and passed by the following vote:

YEAS—Senators

Caskey	Cauthorn	DePasco	Dougherty
Foster	Gibbons	Gross	House
Jacob	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Scott	Staples	Steelman	Wiggins

Yeckel—21

NAYS—Senators—None

Absent—Senators

Bentley	Bland	Carter	Childers
Goode	Johnson	Rohrbach	Russell
Schneider	Sims	Singleton	Stoll

Westfall—13

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 234, with **SCS**, introduced by Senator Wiggins, entitled:

An Act to repeal section 144.010, RSMo 2000, relating to sales tax of telecommunication services, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 234**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 234

An Act to repeal section 144.010, RSMo 2000, relating to sales tax on telecommunication services, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Wiggins moved that **SCS** for **SB 234** be adopted, which motion prevailed.

Senator Gibbons assumed the Chair.

On motion of Senator Wiggins, **SCS** for **SB 234** was read the 3rd time and passed by the following vote:

YEAS—Senators

Caskey	Cauthorn	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Scott
Staples	Steelman	Westfall	Wiggins
Yeckel—25			

NAYS—Senators—None

Absent—Senators

Bentley	Bland	Carter	Johnson
Russell	Schneider	Sims	Singleton
Stoll—9			

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

SB 149, with **SCS**, introduced by Senator Goode, entitled:

An Act to repeal section 307.366 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bills nos. 603, 722 and 783, ninetieth general assembly, first regular session and section 307.366 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, relating to motor vehicle emissions inspections in certain counties without a charter form of government, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 149**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 149

An Act to repeal section 307.366 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bills nos. 603, 722 and 783, ninetieth general assembly, first regular session, section 307.366 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session and section 643.315, RSMo 2000, relating to motor vehicle emissions requirements, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Goode moved that **SCS** for **SB 149** be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **SB 149** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	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—31	

NAYS—Senators—None

Absent—Senators

Bland	Carter	Schneider—3
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Absent with leave—Senators—None

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

SENATE BILLS FOR PERFECTION

Senator Klarich moved that **SB 267**, with **SCS, SS** for **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

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

Senator Klarich offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 37, Section 565.030, Line 29 of said page, by inserting the word “**continual**” immediately after the word “**with**” on said line; and

Further amend said bill, section 565.030, Pages 37 and 38, Lines 29 and 1 of said pages by deleting the words “**systemic and pervasive**” as it appears on said line; and

Further amend said section and bill, Page 37,

Line 23, by striking the word “trail” and inserting in lieu thereof the word “**trial**”.

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

Senator Klarich offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 7, Section 67.133, Line 9, by inserting immediately after said line the following:

“210.140. Any legally recognized privileged communication, except that between attorney and client **or involving communications made to a minister or clergyperson**, shall not apply to situations involving known or suspected child abuse or neglect and shall not constitute grounds for failure to report as required or permitted by sections 210.110 to 210.165, to cooperate with the division in any of its activities pursuant to sections 210.110 to 210.165, or to give or accept evidence in any judicial proceeding relating to child abuse or neglect.”; and

Further amend the title and enacting clause of said bill accordingly.

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

Senator Rohrbach offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 39, Section 610.105, Line 19, by inserting immediately after said line the following:

“**Section 1. Any evidence leading to a conviction of a felony described in subsection 1 of section 650.055 which has been or can be tested for DNA shall be preserved by the Missouri state highway patrol.**”; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, Page 32, Section 494.410, Line 19, by deleting the brackets on lines 19 and 20.

Senator Childers moved that the above amendment be adopted.

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

Senator Klarich moved that **SS** for **SCS** for **SB 267**, as amended, be adopted, which motion prevailed.

On motion of Senator Klarich, **SS** for **SCS** for **SB 267**, as amended, was declared perfected and ordered printed.

Senator Klarich moved that **SB 381** be taken up for perfection, which motion prevailed.

On motion of Senator Klarich, **SB 381** was declared perfected and ordered printed.

Senator Loudon moved that **SB 114**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 114**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 114

An Act to repeal sections 288.040 and 288.050, RSMo 2000, relating to employment security, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Loudon moved that **SCS** for **SB 114** be adopted.

Senator Loudon offered **SS** for **SCS** for **SB 114**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 114

An Act to repeal sections 288.040 and 288.050, RSMo 2000, relating to employment security, and to enact in lieu thereof two new sections relating to the same subject.

Senator Loudon moved that **SS** for **SCS** for **SB 114** be adopted.

Senator Klarich assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 114, Page 4, Section 288.040, Line 15, by adding after the word "work" the words: "upon a finding that drug use materially effected the performance of the work."; and amend Section 288.050, Pages 13 and 14, by striking the language in subsection (2) appearing therein.

Senator Schneider moved that the above amendment be adopted.

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

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

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 114, Page 4, Section 288.040, Line 13, by adding after the word "for" the following: "illegal use of".

Senator Loudon moved that the above substitute amendment be adopted.

Senator Rohrbach assumed the Chair.

Senator Jacob raised the point of order that **SSA 1** for **SA 1** is out of order as it is not a true substitute amendment.

The point of order was referred to the President Pro Tem, who ruled it well taken.

SA 1 was again taken up.

Senator Loudon requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Childers, Foster, Stoll and Westfall.

At the request of Senator Loudon, **SB 114**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Kinder referred **SCR 26** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

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 **SS** for **SB 220** and **SS No. 2** for **SCS** for **SBs 39** and **269**, 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.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 305, regarding Ben Riggins, St. James, which was adopted.

Senator Westfall offered Senate Resolution No. 306, regarding the death of William David Hawkins, Las Vegas, Nevada, which was adopted.

Senator Schneider offered Senate Resolution No. 307, regarding Margaret Klitzing, Florissant, which was adopted.

Senator Gibbons offered Senate Resolution No. 308, regarding Matthew Timothy Gannon, Des Peres, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

March 7, 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 serve as Vice-Chairman of 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

INTRODUCTIONS OF GUESTS

Senator Kenney introduced to the Senate, Jennie May and students from Hickman Mills High School, Kansas City.

Senator Sims introduced to the Senate, Ms. Jamie Markus, Ms. Renee Hale, Mr. Mel Schneider, Mr. and Mrs. Chech and students from Holman Accelerated Elementary School, Berkeley; and Suron Clark, Alexia Chech, Amber Greene, Destine Higgins, Charon Robinson, Doneisha Carter, Heather Brown, Vernon Thomas, Jocelyn Lawrence, Jarell Futrell, Shena and Cody Chech were made honorary pages.

Senator Loudon introduced to the Senate, Karen Dapron, Kelly, Mark and Melissa Gilmer, Jessica Davis and Mayme Fetsch, Maryland Heights.

Senator Kinder introduced to the Senate, Doug Hunt, Perryville; Doug Watson, Cape Girardeau; and Steve Green, Farmington.

Senator Sims introduced to the Senate, Mr. Schneider, Berkeley.

On behalf of Senator Gross and himself, Senator House introduced to the Senate, Diane Hagan, Angie Brandt, Kay Hoffmeister and fourth grade students from Willie Harris Elementary School, St. Charles.

Senator Gibbons introduced to the Senate, Katie and Lynn Fernandez, Meredith Albers and Jan Schuster, Kirkwood.

Senator Caskey introduced to the Senate, Tracey Scavuzzo, Kari Bliss and thirty-three tenth through twelfth grade students from Harrisonville R-9 School, Harrisonville.

Senator Sims introduced to the Senate, Christine Chadwick, Marianne Fournie, Julie Echstein and Midge Crider, St. Louis.

Senator Westfall introduced to the Senate, his wife, Sharon, and their grandson, Cody Ray Westfall, Halfway; and Cody Ray was made an honorary page.

Senator Loudon introduced to the Senate, his father, Bob Loudon, and his brothers, Dave and Tom Loudon, Ballwin.

Senator Bentley introduced to the Senate, the Physician of the Day, Dr. Ben Lampert, M.D., Springfield.

Senator Johnson introduced to the Senate, Pam Canterbury and seven students from St. Joseph Youth Academy, St. Joseph; and Joanna Clark, Andy Doran, Michelle Lucy, Lindsey Hoerath, Jesse Swafford, Trevor Estes and Kristen Thomsen were made honorary pages.

Senator Bland introduced to the Senate, Mrs. Johnson and students from Benjamin Bennaker Elementary School, Kansas City; and Tracey Johnson, Tiana Ellis, LaMesha Brown, Vanessa Watson and Torrance Evans were made honorary pages.

Senator Singleton introduced to the Senate, Gary Philpot and Jerry Hickenbottom, Joplin.

Senator DePasco introduced to the Senate, Mary Therese, Gene and Terry Carroll, Kansas City.

Senator Bentley introduced to the Senate, Kathleen Faddis, Dot Powell, Ray Adams, Stacey Massey and Ray Irwin, Springfield.

Senator Staples introduced to the Senate, Ted Taylor, Thayer.

Senator Sims introduced to the Senate, Girl Scout Leadership from around the state.

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

SENATE CALENDAR

THIRTY-EIGHTH DAY—THURSDAY, MARCH 8, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 586-Klindt	SB 607-Johnson
SB 591-Kenney	SB 608-Yeckel
SB 592-Caskey	SB 609-Westfall
SB 593-Klindt	SB 610-Westfall
SB 594-Klindt	SB 611-Loudon
SB 595-Westfall	SB 612-Loudon
SB 596-Loudon	SB 613-Gibbons
SB 597-Singleton	SB 614-Gross and House
SB 598-Singleton	SB 615-Foster, et al
SB 599-Singleton and DePasco	SB 616-Steelman
SB 600-Singleton	SB 617-Steelman
SB 601-House and Gross	SB 618-Yeckel
SB 602-Steelman	SB 620-Gibbons
SB 603-Jacob	SB 621-Gibbons
SB 604-Jacob	SB 622-Westfall
SRB 606-Rohrbach and Gibbons	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
HB 431-Barry
HB 202-Rizzo
HB 129-Van Zandt and
Campbell
HB 157-Hosmer

THIRD READING OF SENATE BILLS

1. SB 32-Kinder
2. SB 97-Bentley
(In Budget Control)
3. SB 123-Kinder
4. SB 50-Childers
(In Budget Control)
5. SCS for SB 317-Stoll
(In Budget Control)

6. SS for SB 244-Staples
7. SS for SB 14-Mathewson
8. SS for SB 220-Kinder
9. SS#2 for SCS for SBs 39 &
269-Klarich

SENATE BILLS FOR PERFECTION

1. SB 339-Stoll and
Childers, with SCA 1
2. SB 48-Sims, with SCS
3. SB 400-Kenney, et al
4. SB 374-Steelman, with
SCS
5. SB 239-Stoll, with SCS
6. SBs 238 & 250-Staples,

- et al, with SCS
7. SB 445-Singleton,
with SCS
8. SBs 22 & 106-
Singleton, with SCS
9. SBs 214, 124, 209 &
322-Gross, et al,
with SCS

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|-------------------------------|----------------------------------|
| 10. SJR 9-Goode, et al | 14. SB 392-Kenney and
DePasco |
| 11. SB 438-Bentley and Stoll | 15. SB 372-Gibbons, with SCS |
| 12. SB 251-Kinder | 16. SB 454-Kinder, with SCS |
| 13. SB 375-Steelman, with SCS | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SBs 52 & 91-Childers,
with SCS, SA 1 & SSA 1
for SA 1 (pending) | SB 222-Caskey, with SA 1
(pending) |
| SB 65-Gibbons, with SCS | SB 226-Goode, et al, with SCS |
| SBs 67 & 40-Gross, with SCS | SBs 253 & 260-Gross, with SCS |
| SBs 89 & 37-Kinder, with SCS | SBs 323 & 230-Childers,
et al, with SCS (pending) |
| SB 114-Loudon, with SCS,
SS for SCS & SA 1
(pending) | SBs 391 & 395-Rohrbach,
with SCS & SS for SCS
(pending) |
| SB 184-Johnson, et al,
with SS & SA 2
(pending) | |

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 2/27

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

SB 76-Wiggins
(In Budget Control)
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

Unofficial

Reported 3/6

SB 353-Johnson

SB 564-Rohrbach, et al,
with SCS

RESOLUTIONS

Journal

SR 58-Singleton

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)

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