

Journal of the Senate

FIRST REGULAR SESSION

FIFTIETH DAY—WEDNESDAY, APRIL 4, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“I will sing aloud of your steadfast love in the morning. For you have been a fortress for me and a refuge in the day of my distress.” (Psalm 59:16)

Blessed Father, You have started this morning with a thought and song for our hearts. We are Your children and live in the protection of Your care and favor. You are a rock upon which we can cling when stress gets too great and worries and concerns multiply. Calm our hearts and bodies and give us Your peace that passes all human understanding. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Photographers from the Associated Press 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	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—33			

Absent with leave—Senator Carter—1

The Lieutenant Governor was present.

President Pro Tem Kinder assumed the Chair.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 496, regarding Dorothy B. Hunt, Cuba, which was adopted.

Senator Quick offered Senate Resolution No. 497, regarding the Eighty-Second Birthday of Rosalyn Ann Viessman, Columbia, which was adopted.

Senator Gibbons offered Senate Resolution No. 498, regarding Kyler Jacob Brown, Webster Groves, which was adopted.

CONCURRENT RESOLUTIONS

Senator DePasco moved that **SCR 23** be taken up for adoption, which motion prevailed.

On motion of Senator DePasco, **SCR 23** was adopted by the following vote:

YEAS—Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kenney	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Scott	Sims	Singleton	Staples
Steelman	Stoll	Wiggins	Yeckel—28

NAYS—Senator Kinder—1

Absent—Senators

Bentley Jacob Schneider Westfall—4

Absent with leave—Senator Carter—1

Senator Goode moved that **SCR 27** be taken up for adoption, which motion prevailed.

On motion of Senator Goode, **SCR 27** was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland Jacob Rohrbach—3

Absent with leave—Senator Carter—1

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 48**, introduced by Senator Sims, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 48

An Act to repeal sections 210.900, 210.903, 210.906, 210.909, 210.915, 210.921, 210.927, 210.930 and 210.936, RSMo 2000, relating to dependent care, and to enact in lieu thereof nine new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Sims, **SS** for **SCS** for **SB 48** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley Bland Caskey Cauthorn

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

NAYS—Senators—None

Absent—Senators

Jacob Rohrbach—2

Absent with leave—Senators Carter—1

The President Pro Tem declared the bill passed.

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

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

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

SS for **SB 339**, introduced by Senator Stoll, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 339

An Act to repeal sections 34.140 and 313.835, RSMo 2000, relating to veterans, and to enact in lieu thereof two new sections relating to the same subject, with an emergency clause.

Was taken up.

On motion of Senator Stoll, **SS** for **SB 339** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators
 Jacob Rohrbach Scott Singleton—4

Absent with leave—Senator Carter—1

The President Pro Tem declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Russell	Schneider	Sims	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel—29

NAYS—Senators—None

Absent—Senators

Bentley Rohrbach Scott Singleton—4

Absent with leave—Senator Carter—1

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

SCS for **SB 374**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
 SENATE BILL NO. 374

An Act to amend chapter 643, RSMo, by adding thereto one new section relating to emissions banking and trading.

Was taken up by Senator Steelman.

On motion of Senator Steelman, **SCS** for **SB 374** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	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—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Carter—1

The President Pro Tem 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 Kenney moved that motion lay on the table, which motion prevailed.

SB 400, introduced by Senator Kenney, et al, entitled:

An Act to repeal sections 407.815, 407.816, 407.820, 407.822 and 407.825, RSMo 2000, relating to motor vehicle franchise practices, and to enact in lieu thereof seven new sections relating to the same subject.

Was taken up.

On motion of Senator Kenney, **SB 400** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Rohrbach—1

Absent—Senator Klarich—1

Absent with leave—Senator Carter—1

The President Pro Tem declared the bill

passed.

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

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

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

SS for **SJR 9**, introduced by Senator Goode, entitled:

SENATE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 9

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 31, 32(a) and 32(b) of article VI of the Constitution of Missouri relating to the city of St. Louis, and adopting four new sections in lieu thereof relating to the same subject.

Was taken up.

On motion of Senator Goode, **SS** for **SJR 9** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Loudon—1

Absent with leave—Senator Carter—1

The President Pro Tem 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.

SB 392, introduced by Senators Kenney and

DePasco, entitled:

An Act to repeal section 135.230, RSMo 2000, relating to tax credits for new business facilities within enterprise zones, and to enact in lieu thereof one new section relating to the same subject.

Was taken up by Senator Kenney.

On motion of Senator Kenney, **SB 392** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	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—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Carter—1

The President Pro Tem declared the bill passed.

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

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

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

SS for **SB 193**, introduced by Senator Rohrbach, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 193

An Act to repeal sections 148.400, 375.012, 375.014, 375.016, 375.017, 375.018, 375.019, 375.020, 375.021, 375.022, 375.025, 375.027, 375.031, 375.033, 375.035, 375.037, 375.039, 375.046, 375.051, 375.061, 375.065, 375.071, 375.076, 375.081, 375.082, 375.086, 375.091, 375.096, 375.101, 375.106, 375.116, 375.121,

375.136, 375.141, 375.142, 375.158, 379.356 and 384.043, RSMo 2000, and to enact in lieu thereof twenty-nine new sections relating to insurance producers, with penalty provisions and an effective date for certain sections.

Was taken up.

On motion of Senator Rohrbach, **SS** for **SB 193** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	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—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Carter—1

The President Pro Tem 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 Wiggins moved that **SB 5** and **SB 21**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 5** and **21**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 5 and 21**

An Act to repeal sections 513.605, 513.607, 513.647 and 513.653, RSMo 2000, relating to the criminal activity forfeiture act, and to enact in lieu thereof four new sections relating to the same

subject, with penalty provisions.

Was taken up.

Senator Wiggins moved that **SCS** for **SBs 5** and **21** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **SBs 5** and **21** was declared perfected and ordered printed.

Senator Singleton assumed the Chair.

Senator Gibbons moved that **SB 372**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 372**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 372**

An Act to amend chapter 32, RSMo 2000, by adding thereto two new sections relating to assessment and collection procedures of the department of revenue.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 372** be adopted.

Senator Gibbons offered **SS** for **SCS** for **SB 372**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 372**

An Act to amend chapter 32, RSMo 2000, by adding thereto two new sections relating to assessment and collection procedures of the department of revenue.

Senator Gibbons moved that **SS** for **SCS** for **SB 372** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 372, by adding at the end of said bill one new section:

“Section 1. In the event the Department of Revenue enters into an agreement with a taxpayer and said agreement exceeds the department’s statutory authority and the taxpayer has relied to his detriment, the

department shall be permitted to honor said contract. This section shall only apply to cases where the Department has collected sales tax that was not owed by the taxpayer.”; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 372, Page 6, Section 32.378, Line 8, by inserting after “liability.” on said line: “If the director chooses this option, the taxpayer shall have the right to contest in court or otherwise the amount of the liability compromised.”.

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

Senator Westfall offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 372, Page 7, Section 32.378, Line 4, by inserting after all of said line the following:

“144.030. 1. There is hereby specifically exempted from the provisions of sections 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and any other state of the United States, or between this state and any foreign country, and any retail sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws of the United States of America, and such retail sales of tangible personal property which the general assembly of the state of Missouri is prohibited from taxing or further taxing by the constitution of this state.

2. There are also specifically exempted from the provisions of the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745 and from the computation of the tax

levied, assessed or payable pursuant to the local sales tax law as defined in section 32.085, RSMo, section 238.235, RSMo, and sections 144.010 to 144.525 and 144.600 to 144.745:

(1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of such excise tax is refunded pursuant to section [142.584] **142.824**, RSMo; or upon the sale at retail of fuel to be consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at retail; economic poisons registered pursuant to the provisions of the Missouri pesticide registration law (sections 281.220 to 281.310, RSMo) which are to be used in connection with the growth or production of crops, fruit trees or orchards applied before, during, or after planting, the crop of which when harvested will be sold at retail or will be converted into foodstuffs which are to be sold ultimately in processed form at retail;

(2) Materials, manufactured goods, machinery and parts which when used in manufacturing, processing, compounding, mining, producing or fabricating become a component part or ingredient of the new personal property resulting from such manufacturing, processing, compounding, mining, producing or fabricating and which new personal property is intended to be sold ultimately for final use or consumption; and materials, including without limitation, gases and manufactured goods, including without limitation, slagging materials and firebrick, which are ultimately consumed in the manufacturing process by blending, reacting or interacting with or by becoming, in whole or in part, component parts or ingredients of steel products intended to be sold ultimately for final use or consumption;

(3) Materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of,

motor vehicles, watercraft, railroad rolling stock or aircraft engaged as common carriers of persons or property;

(4) Replacement machinery, equipment, and parts and the materials and supplies solely required for the installation or construction of such replacement machinery, equipment, and parts, used directly in manufacturing, mining, fabricating or producing a product which is intended to be sold ultimately for final use or consumption; and machinery and equipment, and the materials and supplies required solely for the operation, installation or construction of such machinery and equipment, purchased and used to establish new, or to replace or expand existing, material recovery processing plants in this state. For the purposes of this subdivision, a “material recovery processing plant” means a facility which converts recovered materials into a new product, or a different form which is used in producing a new product, and shall include a facility or equipment which is used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. For purposes of this section, the terms “motor vehicle” and “highway” shall have the same meaning pursuant to section 301.010, RSMo;

(5) Machinery and equipment, and parts and the materials and supplies solely required for the installation or construction of such machinery and equipment, purchased and used to establish new or to expand existing manufacturing, mining or fabricating plants in the state if such machinery and equipment is used directly in manufacturing, mining or fabricating a product which is intended to be sold ultimately for final use or consumption;

(6) Tangible personal property which is used exclusively in the manufacturing, processing, modification or assembling of products sold to the United States government or to any agency of the United States government;

(7) Animals or poultry used for breeding or feeding purposes;

(8) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates and other

machinery, equipment, replacement parts and supplies used in producing newspapers published for dissemination of news to the general public;

(9) The rentals of films, records or any type of sound or picture transcriptions for public commercial display;

(10) Pumping machinery and equipment used to propel products delivered by pipelines engaged as common carriers;

(11) Railroad rolling stock for use in transporting persons or property in interstate commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers, as defined in section 390.020, RSMo, solely in the transportation of persons or property in interstate commerce;

(12) Electrical energy used in the actual primary manufacture, processing, compounding, mining or producing of a product, or electrical energy used in the actual secondary processing or fabricating of the product, or a material recovery processing plant as defined in subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost of electrical energy so used exceeds ten percent of the total cost of production, either primary or secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such processing contain at least twenty-five percent recovered materials as defined in section 260.200, RSMo. For purposes of this subdivision, “processing” means any mode of treatment, act or series of acts performed upon materials to transform and reduce them to a different state or thing, including treatment necessary to maintain or preserve such processing by the producer at the production facility;

(13) Anodes which are used or consumed in manufacturing, processing, compounding, mining, producing or fabricating and which have a useful life of less than one year;

(14) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring air pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment,

appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the air conservation commission which may uphold or reverse such action;

(15) Machinery, equipment, appliances and devices purchased or leased and used solely for the purpose of preventing, abating or monitoring water pollution, and materials and supplies solely required for the installation, construction or reconstruction of such machinery, equipment, appliances and devices, and so certified as such by the director of the department of natural resources, except that any action by the director pursuant to this subdivision may be appealed to the Missouri clean water commission which may uphold or reverse such action;

(16) Tangible personal property purchased by a rural water district;

(17) All amounts paid or charged for admission or participation or other fees paid by or other charges to individuals in or for any place of amusement, entertainment or recreation, games or athletic events, including museums, fairs, zoos and planetariums, owned or operated by a municipality or other political subdivision where all the proceeds derived therefrom benefit the municipality or other political subdivision and do not inure to any private person, firm, or corporation;

(18) All sales of insulin and prosthetic or orthopedic devices as defined on January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically including hearing aids and hearing aid supplies and all sales of drugs which may be legally dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to administer those items, including samples and materials used to manufacture samples which may be dispensed by a practitioner authorized to dispense such samples and all sales of medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and ambulatory [aides] **aids**, all sales of manual and powered wheelchairs, stairway lifts, Braille writers,

electronic Braille equipment and, if purchased by or on behalf of a person with one or more physical or mental disabilities to enable them to function more independently, all sales of scooters, reading machines, electronic print enlargers and magnifiers, electronic alternative and augmentative communication devices, and items used solely to modify motor vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of over-the-counter or nonprescription drugs to individuals with disabilities;

(19) All sales made by or to religious and charitable organizations and institutions in their religious, charitable or educational functions and activities and all sales made by or to all elementary and secondary schools operated at public expense in their educational functions and activities;

(20) All sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit civic, social, service or fraternal organizations, including fraternal organizations which have been declared tax exempt organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as amended, solely in their civic or charitable functions and activities and all sales made to eleemosynary and penal institutions and industries of the state, and all sales made to any private not-for-profit institution of higher education not otherwise excluded pursuant to subdivision (19) of this subsection or any institution of higher education supported by public funds, and all sales made to a state relief agency in the exercise of relief functions and activities;

(21) All ticket sales made by benevolent, scientific and educational associations which are formed to foster, encourage, and promote progress and improvement in the science of agriculture and in the raising and breeding of animals, and by nonprofit summer theater organizations if such organizations are exempt from federal tax pursuant to the provisions of the Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any fair conducted by a county agricultural and mechanical society organized and operated pursuant to sections 262.290 to 262.530, RSMo;

(22) All sales made to any private not-for-profit elementary or secondary school, all sales of feed additives, medications or vaccines administered to livestock or poultry in the production of food or fiber, all sales of pesticides used in the production of crops, livestock or poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for drying agricultural crops, and all sales of farm machinery, other than airplanes, motor vehicles and trailers. As used in this subdivision, the term “feed additives” means tangible personal property which, when mixed with feed for livestock or poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term “pesticides” includes adjuvants such as crop oils, surfactants, wetting agents and other assorted pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark the application of pesticides and herbicides for the production of crops, livestock or poultry. As used in this subdivision, the term “farm machinery” means new or used farm tractors and such other new or used farm machinery and equipment and repair or replacement parts thereon and lubricants used exclusively for such farm machinery and equipment and one-half of each purchaser's purchase of diesel fuel therefor which is:

- (a) Used exclusively for agricultural purposes;
- (b) Used on land owned or leased for the purpose of producing farm products; and
- (c) Used directly in producing farm products to be sold ultimately in processed form or otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold ultimately in processed form at retail;

(23) Except as otherwise provided in section 144.032, all sales of metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil for domestic use and in any city not within a county, all sales of metered or unmetered water service for domestic use;

- (a) “Domestic use” means that portion of

metered water service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not within a county, metered or unmetered water service, which an individual occupant of a residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility service through a single or master meter for residential apartments or condominiums, including service for common areas and facilities and vacant units, shall be deemed to be for domestic use. Each seller shall establish and maintain a system whereby individual purchases are determined as exempt or nonexempt;

(b) Regulated utility sellers shall determine whether individual purchases are exempt or nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file with and approved by the Missouri public service commission. Sales and purchases made pursuant to the rate classification “residential” and sales to and purchases made by or on behalf of the occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification

may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536, RSMo, to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such river;

(27) All sales made to an interstate compact agency created pursuant to sections 70.370 to 70.430, RSMo, or sections 238.010 to 238.100, RSMo, in the exercise of the functions and activities of such agency as provided pursuant to the compact;

(28) Computers, computer software and computer security systems purchased for use by architectural or engineering firms headquartered in this state. For the purposes of this subdivision, "headquartered in this state" means the office for the administrative management of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

(29) All livestock sales when either the seller is

engaged in the growing, producing or feeding of such livestock, or the seller is engaged in the business of buying and selling, bartering or leasing of such livestock;

(30) All sales of barges which are to be used primarily in the transportation of property or cargo on interstate waterways;

(31) Electrical energy or gas, whether natural, artificial or propane, which is ultimately consumed in connection with the manufacturing of cellular glass products;

(32) Notwithstanding other provisions of law to the contrary, all sales of pesticides or herbicides used in the production of crops, aquaculture, livestock or poultry;

(33) Tangible personal property purchased for use or consumption directly or exclusively in the research and development of prescription pharmaceuticals consumed by humans or animals;

(34) All sales of grain bins for storage of grain for resale;

(35) All sales of feed which are developed for and used in the feeding of pets owned by a commercial breeder when such sales are made to a commercial breeder, as defined in section 273.325, RSMo, and licensed pursuant to sections 273.325 to 273.357, RSMo;

(36) All purchases by a contractor on behalf of an entity located in another state, provided that the entity is authorized to issue a certificate of exemption for purchases to a contractor under the provisions of that state's laws. For purposes of this subdivision, the term "certificate of exemption" shall mean any document evidencing that the entity is exempt from sales and use taxes on purchases pursuant to the laws of the state in which the entity is located. Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's exemption certificate as evidence of the exemption. If the exemption certificate issued by the exempt entity to the contractor is later determined by the director of revenue to be invalid for any reason and the contractor has accepted the certificate in good faith, neither the contractor or the exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result of

use of the invalid exemption certificate. Materials shall be exempt from all state and local sales and use taxes when purchased by a contractor for the purpose of fabricating tangible personal property which is used in fulfilling a contract for the purpose of constructing, repairing or remodeling facilities for the following:

(a) An exempt entity located in this state, if the entity is one of those entities able to issue project exemption certificates in accordance with the provisions of section 144.062; or

(b) An exempt entity located outside the state if the exempt entity is authorized to issue an exemption certificate to contractors in accordance with the provisions of that state's law and the applicable provisions of this section;

(37) Tangible personal property purchased for use or consumption directly or exclusively in research or experimentation activities performed by life science companies and so certified as such by the director of the department of economic development or the director's designees; except that, the total amount of exemptions certified pursuant to this section shall not exceed one million three hundred thousand dollars in state and local taxes per fiscal year. For purposes of this subdivision, the term "life science companies" means companies whose primary research activities are in agriculture, pharmaceuticals, biomedical or food ingredients, and whose North American Industry Classification System (NAICS) Codes fall under industry 541710 (biotech research or development laboratories), 621511 (medical laboratories) or 541940 (veterinary services). The exemption provided by this subdivision shall expire on June 30, 2003;

(38) All donations of inventory, which have been held by a retailer as inventory, to any private not-for-profit elementary or secondary school or any publicly funded elementary or secondary school, and shall include an approved private institution or approved public institution, as defined in section 173.205, RSMo.;"; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted.

Senator Gibbons raised the point of order that **SA 3** is out of order as it goes beyond the scope and purpose of the bill and is therefore not germane.

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

Senator Gibbons moved that **SS** for **SCS** for **SB 372**, as amended, be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS** for **SCS** for **SB 372**, as amended, was declared perfected and ordered printed.

REFERRALS

President Pro Tem Kinder referred **SCR 28** and **SR 495** 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 **SCS** for **SBs 323** and **230**; and **SB 385**, 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

Senators Gross and House offered Senate Resolution No. 499, regarding Carol Diane Luetkemeyer, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 500, regarding Jessica Ann Snell, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 501, regarding Channing C. Peek, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 502, regarding Janet M. Mohn, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 503, regarding Karen Homberger, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 504, regarding Jae Dee Perkins, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 505, regarding Annette Jackson, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 506, regarding Donald L. Grothen, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 507, regarding Stephanie L. Grothen, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 508, regarding Rita Goforth, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 509, regarding Richard Nacke, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 510, regarding Charlene Clark, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 511, regarding Detective Michael Miller, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 512, regarding Charles C. Dalton, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 513, regarding Julie Gaier, St. Louis, which was adopted.

Senators Gross and House offered Senate Resolution No. 514, regarding Target Stores, which was adopted.

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

RECESS

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

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 214, SB 124, SB 209** and **SB 322**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Gross offered **SS** for **SCS** for **SBs 214, 124, 209** and **322**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 214, 124, 209 and 322

An Act to repeal sections 556.036, 566.093, 573.037, 589.400 and 589.417, RSMo 2000, relating to sex offenders, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

Senator Gross moved that **SS** for **SCS** for **SBs 214, 124, 209** and **322** be adopted, which motion prevailed.

On motion of Senator Gross, **SS** for **SCS** for **SBs 214, 124, 209** and **322** was declared perfected and ordered printed.

At the request of Senator Gibbons, **SB 373**, with **SCS**, was placed on the Informal Calendar.

SB 433 and **SB 248**, with **SCS**, were placed on the Informal Calendar.

Senator Singleton assumed the Chair.

Senator Kinder moved that **SB 433** and **SB 248**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 433** and **248**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 433 and 248

An Act to repeal section 537.053, RSMo 2000, relating to consumption of intoxicating beverage as proximate cause of injury in tort actions, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Kinder moved that **SCS** for **SBs 433** and **248** be adopted.

Senator Gross offered **SS** for **SCS** for **SBs 433** and **248**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 433 and 248

An Act to repeal section 537.053, RSMo 2000, relating to consumption of intoxicating beverage as proximate cause of injury in tort actions, and to enact in lieu thereof one new section relating to the same subject.

Senator Gross moved that **SS** for **SCS** for **SBs 433** and **248** be adopted.

President Pro Tem Kinder assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 433 and 248, Page 2, Section 537.053, Line 17, by deleting said line and replacing in lieu thereof, the following: “proven by clear and convincing evidence.”.

Senator Klarich moved that the above amendment be adopted.

At the request of Senator Klarich, **SA 1** was withdrawn.

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 433 and 248, Page 2, Section 537.053.3, Lines 4-17, by deleting all of said lines, and by inserting in lieu thereof the following:

“3. Notwithstanding subsections 1 and 2 of this section, a cause of action may be brought by or on behalf of any person who has suffered personal injury or death against any person licensed to sell intoxicating liquor by the drink for consumption on the premises who sells, serves, or furnishes such intoxicating liquor to a person under the age of twenty-one or to an obviously intoxicated person, if the sale, service or furnishing of such intoxicating liquor is the proximate cause of the personal injury or death sustained by such person.”.

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Gross, **SB 433** and **SB 248**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), were placed on the Informal Calendar.

Senator Klarich assumed the Chair.

THIRD READING OF SENATE BILLS

Senator Mathewson moved that **SB 500** be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Mathewson, **SB 500** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Rohrbach—1

Absent—Senator Staples—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

Senator Mathewson 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 433** and **SB 248**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Gibbons assumed the Chair.

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

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2**

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 433 and 248, Line 3, by striking the words:

“3. Notwithstanding subsections 1 and 2 of this section” and by adding to line 8: “if supported by substantial evidence”; and amend SB 433 and 248, Page 1, Section 537.053, Lines 1 to 13, by striking said lines.

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Schneider, **SA 1 to SA 2** was withdrawn.

SA 2 was again taken up.

Senator Schneider offered **SA 2 to SA 2**, which was read:

**SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 2**

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 433 and 248, Line 8, by inserting after the word: “person” the words: “and such finding is supported by substantial evidence”.

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Childers, Kenney and Wiggins.

SA 2 to SA 2 failed of adoption by the following vote:

YEAS—Senators

Bland	Caskey	Dougherty	Gibbons
House	Jacob	Klarich	Quick
Russell	Schneider	Sims	Singleton
Steelman	Westfall—14		

NAYS—Senators

Bentley	Cauthorn	Childers	DePasco
Foster	Goode	Gross	Johnson

Kenney	Kinder	Klindt	Loudon
Mathewson	Rohrbach	Scott	Stoll
Wiggins	Yeckel—18		

Absent—Senator Staples—1

Absent with leave—Senator Carter—1

At the request of Senator Kinder, **SB 433** and **SB 248**, with **SCS, SS** for **SCS** and **SA 2** (pending), were placed on the Informal Calendar.

Senator Westfall moved that **SB 462** be taken up for perfection, which motion prevailed.

Senator Gross assumed the Chair.

Senator Cauthorn offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 462, Page 1, Section 274.060, Line 9, by striking the opening bracket “[”]; and further amend said line by striking the word “No” and inserting in lieu thereof the word “The”; and further amend said line by inserting immediately after the word “association” an opening bracket “[”]; and further amend line 12, by inserting immediately after the closing bracket “]” the following: “**shall do at least twenty-five percent of its business with its members**”; and

Further amend said bill, Page 6, Section 409.401, Line 152, by striking the opening bracket “[”]; and further amend said line by inserting immediately before the word “not” an opening bracket “[”]; and further amend line 155, by inserting immediately after the closing bracket “]” the following: “**at least twenty-five percent of its business with its members**”.

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

On motion of Senator Westfall, **SB 462**, as amended, was declared perfected and ordered printed.

Senator Loudon moved that **SB 428** be taken up for perfection, which motion prevailed.

On motion of Senate Loudon, **SB 428** was declared perfected and ordered printed.

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 **SCS** for **SBs 214, 124, 209 and 322**; and **SCS** for **SBs 5 and 21**, 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.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SBs 214, 124, 209 and 322** to the Committee on State Budget Control.

MESSAGES FROM THE GOVERNOR

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

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

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

John D. Aylward, Republican, Rural Route 2, Box 88, Memphis, Scotland County, Missouri 63555, as a member of the State Soil and Water Districts Commission, for a term ending August 15, 2003, and until his successor is duly appointed and qualified; vice, Charles B. Keller, IV, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

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

Matthew C. Barnes, 3401 Southmore Road, Houston, Texas 77004, as an outstate nonvoting member of the Board of Governor's for Truman State University, for a term ending January 1, 2007, and

until his successor is duly appointed and qualified; vice, Alphonso Jackson, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

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

Margaret Ewing Buckler, 1223 Bradshaw Avenue, Columbia, Boone County, Missouri 65203, as a member of the Personnel Advisory Board, for a term ending July 31, 2006, and until her successor is duly appointed and qualified; vice, Julia Hawkins, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

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

Marjorie K. Carter, 641 Hickory Knoll Court, Ballwin, St. Louis County, Missouri 63021, as a member of the Child Abuse and Neglect Review Board, for a term ending August 3, 2003, and until her successor is duly appointed and qualified; vice, Alice Windom, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

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

N. Cheryl Coleman, Democrat, 1111 W. 46th St., Apt. 4, Kansas City, Jackson County, Missouri 64108, as a member of the

Missouri Women's Council, for a term ending December 6, 2001, and until her successor is duly appointed and qualified; vice, Toni Messina, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

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

Melinda K. Elmore, 13001 Joy Road, Ashland, Boone County, Missouri 65010, as a member of the Missouri Head Injury Advisory Council, for a term ending May 27, 2002, and until her successor is duly appointed and qualified; vice, Roy Wilson, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

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

Katherine Bromfield Emke, Democrat, 11617 Summit, Kansas City, Jackson County, Missouri 64114, as Chairperson and member of the Missouri Women's Council, for a term ending December 6, 2003, and until her successor is duly appointed and qualified; vice, Susan Wilson Solovic, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

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

Harold H. Lurie, M.D., 2576 South Chapel, Springfield, Greene County, Missouri 65809, as a member of the Drug

Utilization Review Board, for a term ending October 15, 2004, and until his successor is duly appointed and qualified; vice, Jacquelyn Dilworth, M.D., term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

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

Lori Smith Patterson, Republican, #2 Drake Drive, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Women's Council, for a term ending December 6, 2003, and until her successor is duly appointed and qualified; vice, Denise Osment, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 4, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

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

Robert A. Pearson, 3 Briar Point Drive, Kansas City, Clay County, Missouri 64116, as a member of the Missouri State Board of Accounting, for a term ending July 1, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

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 955**, entitled:

An Act to repeal sections 208.471 and 208.480, RSMo 2000, and to enact in lieu thereof two new sections relating to the hospital federal reimbursement allowance program.

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 606**, entitled:

An Act to repeal sections 59.310 and 59.313, RSMo 2000, relating to county recorders of deeds, and to enact in lieu thereof three new sections relating to the same subject, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 762**, entitled:

An Act to amend chapter 354, RSMo, by adding thereto one new section relating to women's health services.

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 **HCS** for **HBs 754, 29, 300** and **505**, entitled:

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to salary supplements for nationally-certified classroom instructional personnel.

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 **HCS** for **HB 106**, entitled:

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to a state systemic lupus erythematosus program in the department of health.

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 471**, entitled:

An Act to repeal sections 195.222 and 195.223, RSMo 2000, relating to drug trafficking, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 274**, entitled:

An Act to repeal section 171.033, RSMo 2000, relating to inclement weather exceptions for mandatory days of school attendance, and to enact in lieu thereof one new section relating to the same subject, 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 662**, entitled:

An Act to amend chapter 436, RSMo, by adding thereto nine new sections relating to retainage in private building contracts.

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 70**, entitled:

An Act to repeal section 302.020, RSMo 2000, relating to motor vehicles, 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 679**, entitled:

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to state employee leave of absence for organ donation.

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 120**, entitled:

An Act to repeal sections 302.173 and 307.173, RSMo 2000, relating to motor vehicle safety, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HBs 533 and 724**, entitled:

An Act to repeal section 589.400, RSMo 2000, relating to offenses against the person by enacting in lieu thereof four new sections, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 498**, entitled:

An Act to repeal section 78.450, RSMo 2000, relating to ballot questions for maintaining the city manager form of government, 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.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 581**, entitled:

An Act to amend chapter 262, RSMo, by adding thereto four new sections relating to the farmland protection act.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Westfall offered Senate Resolution No. 515, regarding the death of Selby Russell Crawford, Humansville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator House introduced to the Senate, Sarah, T. Bennett, Tom and Ellen Burkemper, Troy.

Senator Childers introduced to the Senate,

Jonathan Mendenhall, Christopher Hicks, Tiffany Nalley, Kelli Samsel, Chris Mellen, Shelbi Ketcham, Travena Martin, Kara Warner, Shannan Bussey, Casey Guernsey, Kezra Bradford, Natalie Perrigo, Heather Barkley, Philip Goodrich, Eric Middleton, Stefanie Vance, Kendra Deckard, Dustin Ward and Kurt Lovelace, members of the College of the Ozarks Student Senate.

Senator Cauthorn introduced to the Senate, Michael Schwend and Jack Magruder, Kirksville.

Senator Klindt introduced to the Senate, Roberta Schneider, St. Joseph; Imogene Clark, Cameron; Kathy Moses and Dorothy Walk, Maryville; Shirley and Katelynn Clement, Kasey Williams and Denise Lancey, Savannah; Joanne Ranes, Jim Marley and Nancy Elliot, Chillicothe; Marvin Young, Bethany; and Dawn and Amber Sellars, Stewartsville; and Katelynn, Kasey, Denise and Amber were made honorary pages.

Senator Cauthorn introduced to the Senate, Mary Tietsort, Chuck Heckert and twenty-three juniors from La Plata High School, La Plata.

Senator Steelman introduced to the Senate, Ms. Katy Walker and seventh and eighth grade students from Kingdom Christian Academy, Fulton.

Senator Gibbons introduced to the Senate, Berkley Shands and fourth grade students from North Glendale School, Glendale; and Erin Land, Jhonetta Phillips, Amanda Schafer and Suzy Shands were made honorary pages.

Senator Klarich introduced to the Senate, Jim Wright, West St. Louis County.

Senator Rohrbach introduced to the Senate, Wayne DeMint, California.

Senator Schneider introduced to the Senate, students from Jana Elementary School, North St. Louis County; and Heather Wright, Nicole Lograsso, Kara Lenz and T.J. Peyton were made honorary pages.

Senator Jacob introduced to the Senate, Terry Fowler, Bart Backus, Mark Jarboe, Stephanie Cook and members of the eighth grade Tiger Team from Moberly Middle School, Moberly; and Maggie Brown, Aerial Smith, Clark Downing and Tommy Gillespie were made honorary pages.

Senator Caskey introduced to the Senate, Ken Bobbitt and one hundred fourth grade students from Knob Noster Public School, Knob Noster.

Senator Gibbons introduced to the Senate, eighty fourth grade students from North Glendale School, Glendale.

Senator Staples introduced to the Senate, John Wright and fourth grade students from Eminence.

Senator House introduced to the Senate, Karl and Sue Lenzenhuber, Dutzow.

Senator Loudon introduced to the Senate, Beverly and Scott Schatzman, Chesterfield.

On behalf of Senator Kinder, the President introduced to the Senate, Dr. Susan Sheets, Dr. Bob Fox and Dr. Shanon Kirchoff, Cape Girardeau.

On behalf of Senator Jacob and himself, Senator Cauthorn introduced to the Senate, Joe Seifkas, Columbia.

Senator Sims introduced to the Senate, former State Representative Vicki Hartzler, and her daughter, Tiffany.

Senator Bentley introduced to the Senate, Dr. Steve Quinn, Greene County.

Senator Bentley introduced to the Senate, Helen Gilman, Teri Eggers, Pat Rossdorf and Eileen Jentsch, Springfield.

Senator Bentley introduced to the Senate, Reese and Cindy Elliott, Springfield.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Gene Worth, M.D., Columbia.

Senator Johnson introduced to the Senate, fifty-five eighth grade students from St. Therese School, Parkville; and Valerie Eckart, Chris Menown, Joey Oberg and Dustin Wright were made honorary pages.

Senator Gibbons introduced to the Senate, David Danaher, a fourth grade student at North Glendale School, Glendale; and David was made an honorary page.

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

SENATE CALENDAR

 FIFTY-FIRST DAY—THURSDAY, APRIL 5, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HBs 328 &
 88-Harlan
 HB 249-Treadway
 HB 321-Skaggs, et al
 HB 453-Ransdall, et al
 HB 537-Ostmann, et al
 HB 314-Treadway and
 Nordwald
 HS for HCS for HB 327-Rizzo
 HB 285-Riback Wilson, et al
 HB 796-Hosmer
 HB 816-Kennedy and
 Gambaro
 HB 52-Ward and Crump
 HB 704-Gambaro
 HB 951-Gratz
 HB 596-Kennedy and Gambaro

HB 745-Farnen
 HB 945-Hosmer
 HB 909-Davis
 HB 955-Green (73)
 HB 606-Kennedy, et al
 HS for HCS for HB 762-Barry
 HCS for HBs 754, 29, 300 & 505
 HCS for HB 106
 HB 471-Jolly, et al
 HCS for HB 274
 HB 662-Green (73) and St. Onge
 HB 70-Koller
 HB 679-Boykins
 HB 120-O'Connor
 HCS for HBs 533 & 724
 HB 498-Wagner and McKenna
 HCS for HB 581

THIRD READING OF SENATE BILLS

SCS for SB 60-Steelman
 (In Budget Control)
 SCS for SBs 69 & 458-Gross
 (In Budget Control)
 SS for SCS for SBs 323 &
 230-Childers

SB 385-Mathewson
 SS for SCS for SBs 214, 124,
 209 & 322-Gross
 (In Budget Control)
 SCS for SBs 5 & 21-Wiggins, et al

SENATE BILLS FOR PERFECTION

1. SB 27-Johnson and Westfall, with SCS
2. SB 99-Sims, with SCS

3. SBs 247 & 330-Westfall and Staples, with SCS
4. SB 351-Singleton and Scott, with SCS

5. SJRs 1 & 4-Schneider, with SCS
6. SBs 510, 512 & 133-Kenney, with SCS
7. SJR 11-Yeckel
8. SBs 551, 410, 539, 528 & 296-Sims, with SCS
9. SBs 476, 427 & 62-Yeckel, et al, with SCS
10. SB 369-Steelman and Stoll, with SCS
11. SB 505-Loudon, with SCS
12. SB 578-Goode and Russell, with SCS
13. SBs 448 & 588-Sims, et al, with SCS
14. SB 535-Rohrbach, with SCS
15. SB 66-Gibbons, with SCS#2
16. SB 525-Cauthorn, with SCS
17. SB 242-Kenney
18. SB 225-Mathewson, with SCS
19. SB 180-Klarich
20. SB 583-Yeckel
21. SB 488-Klindt, et al, with SCS
22. SB 387-Goode, et al, with SCS
23. SB 455-Kinder, et al, with SCS
24. SBs 334 & 228-Kinder, with SCS
25. SB 469-Gross, et al
26. SB 546-Kenney, et al, with SCS
27. SB 337-House and Kinder
28. SB 593-Klindt, with SCS
29. SB 509-Cauthorn and Klindt

Journal

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| SBs 22 & 106-Singleton, with SCS & SS for SCS (pending) | SB 222-Caskey, with SA 3 & SSA 1 for SA 3 (pending) |
| SBs 52 & 91-Childers, with SCS and SA 3 (pending) | SB 226-Goode, et al, with SCS |
| SB 65-Gibbons, with SCS | SBs 238 & 250-Staples, et al, with SCS (pending) |
| SBs 67 & 40-Gross, with SCS | SB 239-Stoll, with SCS & SA 11 (pending) |
| SB 68-Gross and House | SB 251-Kinder |
| SBs 89 & 37-Kinder, with SCS | SBs 253 & 260-Gross, with SCS (pending) |
| SB 114-Loudon, with SCS, SS for SCS & SA 1 (pending) | SB 331-DePasco, et al, with SCS & SS for SCS (pending) |
| SB 184-Johnson, et al, with SS#2 (pending) | SBs 347 & 487-Caskey, with SCS (pending) |
| | SB 373-Gibbons and Yeckel, with SCS |

SB 375-Steelman, with SCS,
 SS for SCS, SA 1 &
 SSA 3 for SA 1 (pending)
 SBs 391 & 395-Rohrbach,
 with SCS & SS for SCS
 (pending)
 SBs 433 & 248-Kinder and
 Gross, with SCS, SS
 for SCS & SA 2 (pending)

SB 438-Bentley and Stoll,
 with SS & SA 3 (pending)
 SB 445-Singleton, with
 SCS & SS for SCS
 (pending)
 SB 454-Kinder, with SCS
 SBs 459, 305, 396 & 450-
 Westfall, with SCS &
 SS for SCS (pending)

Unofficial

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
 with SCS

Reported 3/12

SB 526-Dougherty, with SCS

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

HCS for HB 15, with SCS
 (Russell)

RESOLUTIONS

SR 58-Singleton
 SR 345-Quick, et al

SR 346-Kinder, with SA 3
 & SSA 1 for SA 3
 (pending)

Reported from Committee

SCR 8-Caskey, with SA 2
(pending)
SCR 17-Steelman, et al

HCR 16-Green and Holt
(House)

Requests to Recede or Grant Conference

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

Unofficial

✓

Journal

Copy