

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-SECOND DAY—MONDAY, APRIL 9, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“A saint is one who walks when he walks, who talks when he talks, who does not dream while listening, who does not think while acting.” (Anonymous)

Gracious God, we gather once again to analyze what is before us. Let us be saintly in our attentiveness of what is presented to us and what is said for our discernment. Let us be fully alert to what is best for the people of this state and help us provide assistance that may improve legislation we are asked to pass. But to do so we need Your presence and guidance this week and therefore ask for Your blessings in this way. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal for Thursday, April 5, 2001, 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.

RESOLUTIONS

Senator Schneider offered Senate Resolution No. 519, regarding the Fortieth Anniversary of Rosary High School, St. Louis County, which was adopted.

Senator Yeckel offered Senate Resolution No. 520, regarding Skyler Joseph “Sky” Branham, Sappington, which was adopted.

Senator Dougherty offered Senate Resolution No. 521, regarding Margaret Vining, St. Louis, which was adopted.

Senator Caskey offered Senate Resolution No. 522, regarding the Sixtieth Wedding Anniversary of Mr. and Wilbur L. Taylor, Butler, which was adopted.

Senator Yeckel offered Senate Resolution No. 523, regarding Jonathan Jerald Carter, St. Louis, which was adopted.

Senator Staples offered Senate Resolution No. 524, regarding Trevor Michael Yanske, Viburnum, which was adopted.

Senator Staples offered Senate Resolution No. 525, regarding Abraham Franciszek Timler, Viburnum, which was adopted.

Senator Staples offered Senate Resolution No. 526, regarding Marie Edgar, Potosi, which was adopted.

Senator Staples offered Senate Resolution No. 527, regarding Motorcycle Awareness and You Month, which was adopted.

Senator Klarich moved that **SR 495**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **SR 495** was taken up.

President Pro Tem Kinder assumed the Chair.

Senator Klarich moved that **SCS** for **SR 495** be adopted.

At the request of Senator Klarich, the above motion was withdrawn, placing the resolution back on the 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 954**, entitled:

An Act to repeal sections 302.505, 302.510, 302.520, 302.541 and 302.545, RSMo 2000, and to enact in lieu thereof five new sections relating to license suspension and revocation procedures for persons under twenty-one years of age.

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 881**, entitled:

An Act to repeal section 198.280, RSMo 2000, relating to nursing home districts, 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 408**, entitled:

An Act to repeal section 214.030, RSMo 2000, relating to grave lot conveyances 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 **HB 897**, entitled:

An Act to repeal section 32.091, RSMo 2000, relating to motor vehicle records, 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 933**, entitled:

An Act to repeal section 144.020, RSMo 2000, relating to the state sales tax, 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 904**, entitled:

An Act to repeal sections 252.303, 252.306, 252.309, 252.315, 252.321, 252.324, 252.330 and 252.333, RSMo 2000, relating to agroforestry, and to enact in lieu thereof eight 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 805**, entitled:

An Act to repeal sections 302.130 and 302.178, RSMo 2000, relating to driver's 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.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 821**, entitled:

An Act to amend chapter 172, RSMo, by adding thereto one new section relating to a University of Missouri program to assist organ transplant patients.

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 644**, entitled:

An Act to repeal section 461.051, RSMo 2000, relating to nonprobate transfers, and to enact in lieu thereof one new section relating to the same subject.

In which 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 922**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to annexation by certain cities.

In which 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 84**, entitled:

An Act to repeal section 50.334, RSMo 2000, relating to recorders of deeds, and to enact in lieu thereof one new section relating to the same subject.

In which concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS for HCS for HBs 924, 714, 685, 756, 734 and 518**, entitled:

An Act to repeal sections 142.803, 144.440, 144.700, 144.805, 226.200, 227.100, 301.057, 301.058, 301.059, 301.061, 301.063, 301.065, 301.067, 301.069, 302.505, 302.510, 302.520, 302.541, 577.010, 577.012 and 577.037, RSMo 2000, and to enact in lieu thereof thirty-four new sections relating to transportation, with penalty provisions and a referendum clause.

In which concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Singleton moved that **SB 351**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SB 351, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 351

An Act to repeal sections 488.5336, 590.100, 590.101, 590.105, 590.110, 590.112, 590.115, 590.117, 590.120, 590.121, 590.123, 590.125, 590.130, 590.131, 590.135, 590.150 and 590.180, RSMo 2000, relating to selection and training of

peace officers, and to enact in lieu thereof sixteen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Singleton moved that **SCS** for **SB 351** be adopted.

Senator Singleton offered **SS** for **SCS** for **SB 351**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 351

An Act to repeal sections 57.010, 488.5336, 590.100, 590.101, 590.105, 590.110, 590.112, 590.115, 590.117, 590.120, 590.121, 590.123, 590.125, 590.130, 590.131, 590.135, 590.150, 590.170, 590.175, 590.180 and 590.650, RSMo 2000, relating to selection and training of peace officers, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions.

Senator Singleton moved that **SS** for **SCS** for **SB 351** be adopted, which motion prevailed.

On motion of Senator Singleton, **SS** for **SCS** for **SB 351** was declared perfected and ordered printed.

SJR 1 and **SJR 4**, with **SCS**, were placed on the Informal Calendar.

Senator Singleton moved that **SB 22** and **SB 106**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SBs 22** and **106** was again taken up.

At the request of Senator Singleton, **SS** for **SCS** for **SBs 22** and **106** was withdrawn.

Senator Singleton offered **SS No. 2** for **SCS** for **SBs 22** and **106**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 22 and 106

An Act to repeal section 135.095, RSMo 2000,

relating to prescription drugs for the elderly and to enact in lieu thereof twelve new sections relating to the same subject, with an emergency clause for certain sections and a contingent termination date for a certain section.

Senator Singleton moved that **SS No. 2** for **SCS** for **SBs 22** and **106** be adopted, which motion prevailed.

Senator Gibbons assumed the Chair.

On motion of Senator Singleton, **SS No. 2** for **SCS** for **SBs 22** and **106** was declared perfected and ordered printed.

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 Caskey moved that the above amendment be adopted.

Senator Gross requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Childers, Foster, Kenney and Sims.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Bland	Caskey	Childers	Dougherty
House	Jacob	Johnson	Quick
Russell	Schneider	Steelman	Westfall—12

NAYS—Senators

Bentley	Cauthorn	Foster	Gibbons
Goode	Gross	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Scott	Sims	Singleton
Stoll	Wiggins	Yeckel—19	

Absent—Senators

DePasco	Staples—2
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Absent with leave—Senator Carter—1

Senator Steelman offered **SA 3**, which was

read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 433 and 248, Page 1, Section 537.053.1, Lines 4-10, by striking section 537.053.1; and

Further amend said bill, line 11, by inserting at the beginning of said line the number "537.053." and by renumbering the remaining subsections accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Staples requested a roll call vote be taken on the adoption of **SA 3** and was joined in his request by Senators DePasco, Gross, Kenney and Scott.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Caskey	Dougherty	House	Jacob
Klarich	Schneider	Stelman	Stoll—8

NAYS—Senators

Bentley	Bland	Cauthorn	Childers
DePasco	Foster	Gibbons	Goode
Gross	Johnson	Kenney	Kinder
Klindt	Loudon	Mathewson	Rohrbach
Russell	Scott	Singleton	Staples
Westfall	Wiggins	Yeckel—23	

Absent—Senators

Quick	Sims—2
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Absent with leave—Senator Carter—1

Senator Schneider offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 433 and 248, Pages 1 and 2, Section 537.053, Lines 4 to 23, by striking all of said lines and by inserting in lieu thereof the following:

"537.053. Any insurance company who

sells liability insurance which provides coverage for dram shop liability as described in this section shall provide such coverage in a separate rider and charge a separate premium for such coverage. The rates for such insurance coverage shall be reviewed and approved by the director of the department of insurance."

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

Senator Gross moved that **SS** for **SCS** for **SBs 433** and **248**, as amended, be adopted, which motion prevailed.

On motion of Senator Kinder, **SS** for **SCS** for **SBs 433** and **248**, as amended, was declared perfected and ordered printed.

HOUSE BILLS ON SECOND READING

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

HCS for **HBs 754, 29, 300** and **505**—Education.

HCS for **HB 106**—Public Health and Welfare.

HS for **HJR 11**—Local Government and Economic Development.

HB 410—Local Government and Economic Development.

HCS for **HB 824**—Public Health and Welfare.

HB 825—Ways and Means.

INTRODUCTIONS OF GUESTS

Senator Klarich introduced to the Senate, Gene Scott, Franklin County.

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

SENATE CALENDAR

 FIFTY-THIRD DAY—TUESDAY, APRIL 10, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 612-Ladd Baker	HB 821-Hosmer
HB 954-Hosmer	HB 644-Burton
HB 881-Scott, et al	HB 922-Gaskill and
HB 408-Kelley (47th)	Bartelsmeyer
HB 897-Kreider, et al	HB 84-Richardson
HB 933-Reid	HS for HCS for HBs 924,
HB 904-Merideth, et al	714, 685, 756, 734 &
HB 805-Mayer and	518-Wiggins
Richardson	

THIRD READING OF SENATE BILLS

SCS for SB 60-Steelman (In Budget Control)	SS for SCS for SBs 214, 124, 209 & 322-Gross (In Budget Control)
SCS for SBs 69 & 458-Gross (In Budget Control)	SCS for SBs 5 & 21-Wiggins, et al
SS for SCS for SBs 323 & 230-Childers	SS for SCS for SB 372-Gibbons
SB 385-Mathewson	SB 462-Westfall
	SB 428-Loudon

SENATE BILLS FOR PERFECTION

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|---|---|
| 1. SBs 510, 512 & 133-
Kenney, with SCS | 6. SB 505-Loudon, with SCS |
| 2. SJR 11-Yeckel | 7. SB 578-Goode and
Russell, with SCS |
| 3. SBs 551, 410, 539, 528
& 296-Sims, with SCS | 8. SBs 448 & 588-Sims,
et al, with SCS |
| 4. SBs 476, 427 & 62-
Yeckel, et al, with SCS | 9. SB 535-Rohrbach, with SCS |
| 5. SB 369-Steelman and
Stoll, with SCS | 10. SB 66-Gibbons, with SCS#2 |
| | 11. SB 525-Cauthorn, with SCS |
| | 12. SB 242-Kenney |

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| 13. SB 225-Mathewson,
with SCS | 19. SBs 334 & 228-Kinder,
with SCS |
| 14. SB 180-Klarich | 20. SB 469-Gross, et al |
| 15. SB 583-Yeckel | 21. SB 546-Kenney, et al, with SCS |
| 16. SB 488-Klindt, et al,
with SCS | 22. SB 337-House and Kinder |
| 17. SB 387-Goode, et al,
with SCS | 23. SB 593-Klindt, with SCS |
| 18. SB 455-Kinder, et al,
with SCS | 24. SB 509-Cauthorn and Klindt |
| | 25. SBs 42 & 108-Kenney,
with SCS |
| | 26. SB 565-Staples |

Unofficial
INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

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|---|--|
| SB 27-Johnson and
Westfall, with SCS, SS
for SCS & SA 1 (pending) | SB 251-Kinder |
| SBs 52 & 91-Childers, with
SCS and SA 3 (pending) | SBs 253 & 260-Gross, with
SCS (pending) |
| SB 65-Gibbons, with SCS | SB 331-DePasco, et al,
with SCS & SS for SCS
(pending) |
| SBs 67 & 40-Gross, with SCS | SBs 347 & 487-Caskey,
with SCS (pending) |
| SB 68-Gross and House | SB 373-Gibbons and Yeckel,
with SCS |
| SBs 89 & 37-Kinder, with SCS | SB 375-Steelman, with SCS,
SS for SCS, SA 1 &
SSA 3 for SA 1 (pending) |
| SB 99-Sims, with SCS | SBs 391 & 395-Rohrbach,
with SCS & SS for SCS
(pending) |
| SB 114-Loudon, with SCS,
SS for SCS & SA 1
(pending) | SB 438-Bentley and Stoll,
with SS & SA 3 (pending) |
| SB 184-Johnson, et al,
with SS#2 (pending) | SB 445-Singleton, with SCS
& SS for SCS (pending) |
| SB 222-Caskey, with SA 3
& SSA 1 for SA 3
(pending) | SB 454-Kinder, with SCS |
| SB 226-Goode, et al, with
SCS | SBs 459, 305, 396 & 450-
Westfall, with SCS &
SS for SCS (pending) |
| SBs 238 & 250-Staples, et
al, with SCS (pending) | SJR 1 & 4-Schneider,
with SCS |
| SB 239-Stoll, with SCS &
SA 11 (pending) | |
| SBs 247 & 330-Westfall
and Staples, with SCS
& SS for SCS (pending) | |

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 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)
SCR 28-DePasco
SR 495-Klarich, with SCS

Requests to Recede or Grant Conference

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

