

Journal of the Senate

FIRST REGULAR SESSION

FIFTY-NINTH DAY—MONDAY, APRIL 23, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“That which had not been told them they shall see.” (Isaiah 52:15)

Gracious God, we are grateful for our safe passage through rain and wind to take up our responsibilities here once again. We are so mindful that this is a very public arena and even those things that are done quietly are made known. Let our actions and our words always speak the truth and be nothing that we are ever ashamed of. Bless us with Your presence and guide our every waking step. 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 19, 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

On behalf of Senator Carter, Senator Quick offered Senate Resolution No. 604, regarding the Brothers and Sisters of the 1st and 5th Masonic Districts, which was adopted.

Senator Yeckel offered Senate Resolution No. 605, regarding Brian Edward Swink, Sunset Hills, which was adopted.

Senator Mathewson offered Senate Resolution No. 606, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard A. Ditzfeld, Sedalia, which was adopted.

Senator Mathewson offered Senate Resolution No. 607, regarding Douglas Kueker, Sweet Springs, which was adopted.

Senator Mathewson offered Senate Resolution No. 608, regarding the One Hundred Twentieth Anniversary of the Yokum Chapel African Methodist Episcopal Church, Malta Bend, which was adopted.

Senator Steelman offered Senate Resolution No. 609, regarding Shelia Snider, Newburg, which was adopted.

Senators Kinder and Scott, joined by the entire membership of the Senate, offered Senate Resolution No. 610, regarding the St. Louis Cardinals Baseball Team, which was adopted.

Senator Schneider offered Senate Resolution No. 611, regarding Monica G. Danganan, Florissant, which was adopted.

Senator Childers offered Senate Resolution No. 612, regarding the One Hundred Fiftieth Anniversary of Stone County, which was adopted.

Senator Childers offered Senate Resolution No. 613, regarding James David Hopper, Branson, which was adopted.

Senator Bentley offered Senate Resolution No. 614, regarding the Lady Bears Basketball Team from Southwest Missouri State University, Springfield, which was adopted.

REFERRALS

President Pro Tem Kinder referred **SR 602** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Steelman moved that **SB 369**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 369**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 369

An Act to amend chapter 67, RSMo, by adding thereto ten new sections relating to utility access to public rights-of-way, with an emergency clause.

Was taken up.

Senator Steelman moved that **SCS** for **SB 369** be adopted.

Senator Steelman offered **SS** for **SCS** for **SB 369**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 369

An Act to amend chapter 67, RSMo, by adding thereto ten new sections relating to utility access to public rights-of-way, with an emergency clause.

Senator Steelman moved that **SS** for **SCS** for **SB 369** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, Page 4, Section 67.1830, Line 1 of said page, by inserting after the phrase “the use” the following: “**or rent**”; and

Further amend said bill, Page 5, Section 67.1830, Line 11 of said page, by striking the word “and”; and further amend line 14, by inserting after “right-of-way;” the following: “**and**

(g) **Establish standards for street restoration in order to lessen the impact of degradation to the public right-of-way;**” and

Further amend said bill, Page 8, Section 67.1834, Line 11 of said page, by inserting after “permit.” the following: “**Every right-of-way user to whom a right-of-way permit has been granted shall guarantee for a period of one year the restoration of the right-of-way in the area where such right-of-way user conducted excavation.**”.

Senator Steelman moved that the above amendment be adopted.

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

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

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, Page 4, Section 67.1830, Lines 1-2 of said page, by striking all of said lines and inserting in lieu thereof the following: “**user for the use of the public right-of-way unless the right-of-way user receives a credit for all gross receipts and franchise taxes paid to the political subdivision or any costs as outlined in paragraphs (a) to**”; and

Further amend said bill and section, page 5, line 11 of said page, by striking the word “and”; and further amend line 14 of said page, by inserting at the end of said line the following: “**and**

(g) **Establish street degradation fees to cover the reduction in the useful life of the right-of-way caused by each excavation if such fees**

are paid by all users of the right-of-way including the political subdivision and are dedicated to street replacement;”.

Senator Goode moved that the above substitute amendment be adopted.

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

At the request of Senator Goode, **SSA 1 for SA 1** was withdrawn, rendering the point of order moot.

Senator Stoll offered **SSA 2 for SA 1**:

**SENATE SUBSTITUTE AMENDMENT NO. 2
FOR SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, Page 4, Section 67.1830, Line 1 of said page, by inserting after the phrase “the use” the following: “**or rent**”; and

Further amend said bill, Page 5, Section 67.1830, Line 11 of said page, by striking the word “and”; and further amend line 14, by inserting after “right-of-way;” the following: “**and**

(g) Establish standards for street restoration in order to lessen the impact of degradation to the public right-of-way;”; and

Further amend said bill, Page 8, Section 67.1834, Line 11 of said page, by inserting after “permit.” the following: “**Every right-of-way user to whom a right-of-way permit has been granted shall guarantee for a period of two years the restoration of the right-of-way in the area where such right-of-way user conducted excavation.**”.

Senator Stoll moved that the above substitute amendment be adopted.

Senator Caskey offered **SA 1 to SSA 2 for SA 1**, which was read:

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

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No.

369, Page 1, Line 13, by deleting “**two years**” and inserting in lieu thereof “**four years**”.

Senator Caskey moved that the above amendment be adopted.

Senator Steelman raised the point of order that **SA 1 to SSA 2 for SA 1** is out of order in that it is in the third degree.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 to SSA 2 for SA 1 was again taken up.

President Pro Tem Kinder assumed the Chair.

Senator Caskey moved that **SA 1 to SSA 2 for SA 1** be adopted, which motion prevailed.

SSA 2 for SA 1, as amended, was again taken up.

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

Senator Goode offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, Page 4, Section 67.1830, Lines 1-2 of said page, by striking “, degradation of the public right-of-way” and inserting in lieu thereof the following: “**unless the right-of-way user receives a credit for all gross receipts and franchise taxes paid to the political subdivision**”; and

Further amend said bill and section, page 5, line 11 of said page, by striking the word “and”; and further amend line 14 of said page, by inserting at the end of said line the following: “**and**

(h) Establish street degradation fees to cover the reduction in the useful life of the right-of-way caused by each excavation if such fees are paid by all users of the right-of-way including the political subdivision and are dedicated to street replacement;”.

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

Senator Dougherty offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, Page 15, Section 67.1846, Line 7 of said page, by inserting at the end of said line the following: “**Nothing in sections 67.1830 to 67.1846 shall prohibit a political subdivision from charging public utility right-of-way users based on the number of linear feet used when the public utility right-of-way user is not paying a gross receipts tax. Nothing in sections 67.1830 to 67.1846 shall prohibit a city not within a county from requiring public utility right-of-way users to obtain permission from the political subdivision to use the public utility right-of-way.**”.

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

Senator Gibbons assumed the Chair.

Senator Caskey offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, Page 1, Section 67.320, Lines 5-10 of said page, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

President Pro Tem Kinder assumed the Chair.

Senator Gibbons offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 369, Page 14, Section 67.1846, Line 28 of said page, by striking the following: “December 31, 2000” and inserting in lieu thereof the following: “**the effective date of this act**”; and further amend page 15, line 3 of said page, by striking the following: “December 31, 2000” and inserting in lieu thereof the following: “**the effective date of this act**”.

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

President Maxwell assumed the Chair.

Senator Steelman moved that **SS** for **SCS** for **SB 369**, as amended, be adopted, which motion prevailed.

Senator Steelman moved that **SS** for **SCS** for **SB 369**, as amended, be declared perfected and ordered printed and requested a roll call vote be taken. She was joined in her request by Senators Kenney, Loudon, Mathewson and Sims.

SS for **SCS** for **SB 369**, as amended, was declared perfected and ordered printed by the following vote:

YEAS—Senators			
Cauthorn	Foster	Gibbons	Gross
House	Kenney	Kinder	Klarich
Klindt	Loudon	Rohrbach	Russell
Sims	Staples	Stelman	Stoll
Yeckel—17			

NAYS—Senators			
Bentley	Bland	Caskey	Childers
DePasco	Dougherty	Goode	Jacob
Johnson	Mathewson	Quick	Scott
Singleton	Westfall	Wiggins—15	

Absent—Senator Schneider—1

Absent with leave—Senator Carter—1

Senator Loudon moved that **SB 505**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 505**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 505

An Act to repeal section 287.020, RSMo 2000, relating to workers’ compensation, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Loudon moved that **SCS** for **SB 505** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 505, Page 2, Section 287.020, Line

23, by inserting immediately after all of said line the following:

“A lessor or contractor shall be responsible to make sure to carry workers’ compensation insurance or to ensure that owner-operators are covered by workers’ compensation insurance.”.

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

Senator Schneider offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 505, Page 3, Section 287.020, Line 85, by inserting after said line the following:

“287.160. 1. Except as provided in section 287.140, no compensation shall be payable for the first three days or less of disability during which the employer is open for the purpose of operating its business or enterprise unless the disability shall last longer than fourteen days. If the disability lasts longer than fourteen days, payment for the first three days shall be made retroactively to the claimant.

2. Compensation shall be payable as the wages were paid prior to the injury, but in any event at least once every two weeks. If an injured employee claims benefits pursuant to this section, an employer may, if the employee agrees in writing, pay directly to the employee any benefits due pursuant to section 287.170. The employer shall continue such payments until the insurer starts making the payments or the claim is contested by any party. Where the claim is found to be compensable the employer's workers' compensation insurer shall indemnify the employer for any payments made pursuant to this subsection. If the employee's claim is found to be fraudulent or noncompensable, after a hearing, the employee shall reimburse the employer, or the insurer if the insurer has indemnified the employer, for any benefits received either by a:

- (1) Lump sum payment;
- (2) Refund of the compensation equivalent of any accumulated sick or disability leave;
- (3) Payroll deduction; or

(4) Secured installment plan. If the employee is no longer employed by such employer, the employer may garnish the employee's wages or execute upon any property, except real estate, of the employee. Nothing in this subsection shall be construed to require any employer to make payments directly to the employee.

3. Where weekly benefit payments that are not being contested by the employer or his insurer are due, and if such weekly benefit payments are made more than [thirty] **fifteen** days after becoming due, the weekly benefit payments that are late shall be increased by ten percent simple interest per annum **from the date when due until paid. No interest shall accrue until fifteen days after the entry of the award by the administrative law judge.** [Provided, however, that if such claim for weekly compensation is contested by the employee, and the employer or his insurer have not paid the disputed weekly benefit payments or lump sum within thirty days of when the administrative law judge's order becomes final, or from the date of a decision by the labor and industrial relations commission, or from the date of the last judicial review, whichever is later, interest on such disputed weekly benefit payments or lump sum so ordered, shall be increased by ten percent simple interest per annum beginning thirty days from the date of such order. Provided, however, that if such claims for weekly compensation are contested solely by the employer or insurer, no interest shall be payable until after thirty days after the award of the administrative law judge. The state of Missouri or any of its political subdivisions, as an employer, is liable for any such interest assessed against it for failure to promptly pay on any award issued against it under this chapter.] **Interest shall be due fifteen days after an award of the administrative law judge unless and to the extent the award may otherwise be modified upon review by the commission or appeal to an appellate court.**

4. Compensation shall be payable in accordance with the rules given in sections 287.170, 287.180, 287.190, 287.200, 287.240, and 287.250.

5. The employer shall not be entitled to credit for wages or such pay benefits paid to the employee

or his dependents on account of the injury or death except as provided in section 287.270.”; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Loudon raised the point of order that **SA 2** is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 2 was again taken up.

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

Senator Kinder offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 505, Page 3, Section 287.020, Line 85, by inserting after said line the following:

“Section 1. The governor shall not direct any person to serve in a temporary capacity as a member of the Labor and Industrial Relations Commission.”; and

Further amend the title and enacting clause accordingly.

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

Senator Schneider offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 505, Page 3, Section 287.020, Line 85, by inserting immediately after said line the following:

“287.210. 1. After an employee has received an injury he shall from time to time thereafter during disability submit to reasonable medical examination at the request of the employer, his insurer, **the state if there is a second injury claim**, the commission, the division or an administrative law judge, the time and place of which shall be fixed with due regard to the convenience of the employee and his physical condition and ability to attend. The employee may have his own physician

present, and if the employee refuses to submit to the examination, or in any way obstructs it, his right to compensation shall be forfeited during such period unless in the opinion of the commission the circumstances justify the refusal or obstruction.

2. The commission, the division or administrative law judge shall, when deemed necessary, appoint a duly qualified impartial physician to examine the injured employee, and any physician so chosen, if he accepts the appointment, shall promptly make the examination requested and make a complete medical report to the commission or the division in such duplication as to provide all parties with copies thereof. The physician's fee shall be fair and reasonable, as provided in subsection 3 of section 287.140, and the fee and other reasonable costs of the impartial examination may be paid as other costs under this chapter. If all the parties shall have had reasonable access thereto, the report of the physician shall be admissible in evidence.

3. The testimony of any physician who treated or examined the injured employee shall be admissible in evidence in any proceedings for compensation under this chapter, but only if the medical report of the physician has been made available to all parties as in this section provided. Immediately upon receipt of notice from the division or the commission setting a date for hearing of a case in which the nature and extent of an employee's disability is to be determined, the parties or their attorneys shall arrange, without charge or costs, each to the other, for an exchange of all medical reports, including those made both by treating and examining physician or physicians, to the end that the parties may be commonly informed of all medical findings and opinions. The exchange of medical reports shall be made at least seven days before the date set for the hearing and failure of any party to comply may be grounds for asking for and receiving a continuance, upon proper showing by the party to whom the medical reports were not furnished. If any party fails or refuses to furnish the opposing party with the medical report of the treating or examining physician at least seven days before such physician's deposition or personal testimony at the hearing, as in this section provided, upon the

objection of the party who was not provided with the medical report, the physician shall not be permitted to testify at that hearing or by medical deposition.

4. Upon request, an administrative law judge, the division, or the commission shall be provided with a copy of any medical report.

5. As used in this chapter the terms "physician's report" and "medical report" mean the report of any physician made on any printed form authorized by the division or the commission or any complete medical report. As used in this chapter the term "complete medical report" means the report of a physician giving the physician's qualifications and the patient's history, complaints, details of the findings of any and all laboratory, X-ray and all other technical examinations, diagnosis, prognosis, nature of disability, if any, and an estimate of the percentage of permanent partial disability, if any. An element or elements of a complete medical report may be met by the physician's records.

6. Upon the request of a party, the physician or physicians who treated or are treating the injured employee shall be required to furnish to the parties a rating and complete medical report on the injured employee, at the expense of the party selecting the physician, along with a complete copy of the physician's clinical record including copies of any records and reports received from other health care providers.

7. The testimony of a treating or examining physician may be submitted in evidence on the issues in controversy by a complete medical report and shall be admissible without other foundational evidence subject to compliance with the following procedures. The party intending to submit a complete medical report in evidence shall give notice at least sixty days prior to the hearing to all parties and shall provide reasonable opportunity to all parties to obtain cross-examination testimony of the physician by deposition. The notice shall include a copy of the report and all the clinical and treatment records of the physician including copies of all records and reports received by the physician from other health care providers. The party offering the report must make the physician available for cross-examination testimony by deposition not later

than seven days before the matter is set for hearing, and each cross-examiner shall compensate the physician for the portion of testimony obtained in an amount not to exceed a rate of reasonable compensation taking into consideration the specialty practiced by the physician. Cross-examination testimony shall not bind the cross-examining party. Any testimony obtained by the offering party shall be at that party's expense on a proportional basis, including the deposition fee of the physician. Upon request of any party, the party offering a complete medical report in evidence must also make available copies of X rays or other diagnostic studies obtained by or relied upon by the physician. Within ten days after receipt of such notice a party shall dispute whether a report meets the requirements of a complete medical report by providing written objections to the offering party stating the grounds for the dispute, and at the request of any party, the administrative law judge shall rule upon such objections upon pretrial hearing whether the report meets the requirements of a complete medical report and upon the admissibility of the report or portions thereof. If no objections are filed the report is admissible, and any objections thereto are deemed waived. Nothing herein shall prevent the parties from agreeing to admit medical reports or records by consent. [The provisions of this subsection shall not apply to claims against the second injury fund.]

8. Certified copies of the proceedings before any coroner holding an inquest over the body of any employee receiving an injury in the course of his employment resulting in death shall be admissible in evidence in any proceedings for compensation under this chapter, and it shall be the duty of the coroner to give notice of the inquest to the employer and the dependents of the deceased employee, who shall have the right to cross-examine the witness.

9. The division or the commission may in its discretion in extraordinary cases order a postmortem examination and for that purpose may also order a body exhumed.""; and

Further amend the title and enacting clause accordingly.

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

Senator Loudon moved that **SCS** for **SB 505**, as amended, be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **SB 505**, as amended, was declared perfected and ordered printed.

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 refuses to adopt **SCS** for **HCS** for **HB 2** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 3** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 4** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 5** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 6**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a

conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 7** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 8** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 9** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 10**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 11**, as amended, and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SCS** for **HCS** for **HB 12** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

PRIVILEGED MOTIONS

Senator Russell requested unanimous consent of the Senate to make one motion to send **SCS for HCS for HB 2; SCS for HCS for HB 3; SCS for HCS for HB 4; SCS for HCS for HB 5; SCS for HCS for HB 6**, as amended; **SCS for HCS for HB 7; SCS for HCS for HB 8; SCS for HCS for HB 9; SCS for HCS for HB 10**, as amended; **SCS for HCS for HB 11**, as amended; and **SCS for HCS for HB 12** to conference, which request was granted.

Senator Russell moved that the Senate refuse to recede from its position on **SCS for HCS for HB 2; SCS for HCS for HB 3; SCS for HCS for HB 4; SCS for HCS for HB 5; SCS for HCS for HB 6**, as amended; **SCS for HCS for HB 7; SCS for HCS for HB 8; SCS for HCS for HB 9; SCS for HCS for HB 10**, as amended; **SCS for HCS for HB 11**, as amended; and **SCS for HCS for HB 12**, and grant the House a conference thereon, which motion prevailed.

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 19, 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 a vacant office:

Norman B. Harty, Republican, 1035 Rannels Street, Dexter, Stoddard County, Missouri 63841, as a member of the House Apportionment Commission; vice, Representative Mark Richardson, declined to accept an appointment to the House Apportionment Commission on April 2, 2001.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
April 19, 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 a vacant office:

Allison London Smith, Republican, 8064 County Road 5010, West Plains, Howell County, Missouri 65775, as a member of the Senate Apportionment Commission; vice, Representative Mark Richardson, declined to accept an appointment to the Senate Apportionment Commission on April 2, 2001.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
April 20, 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:

Charles "Gil" Copley, 14 Plymouth Court, St. Charles, St. Charles County, Missouri 63304, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
April 20, 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:

Teresa Jan Finn, 901 Southwest Loula Lane, Lee's Summit, Jackson County, Missouri 64081, as a member of the Organ Donation Advisory Committee, for a term ending December 12, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
April 20, 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:

Donald J. Gralike, 1675 F. Blue Ridge Drive, St. Louis, St. Louis County, Missouri 63125, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 20, 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:

Ben L. Kessler, Republican, 10687 Country View Drive, Creve Coeur, St. Louis County, Missouri 63141, as a member of the Hazardous Waste Management Commission, for a term ending April 3, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 20, 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:

James E. Tuscher, 4497 Laclede Place, St. Louis City, Missouri 63108, as a member and chairperson of the Governor's Council on Disabilities, for a term ending October 1, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
April 20, 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:

Daniel L. Vornberg, 556 Purdue, St. Louis, St. Louis County, Missouri 63130, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
April 20, 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:

Ronald J. Walkenbach, 407 Pyrenes Drive, Columbia, Boone County, Missouri 65203, as a member of the Organ Donation Advisory Committee, for a term ending December 13, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City, Missouri
April 23, 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:

Donald "Brad" Bedell, Republican, 123 Greenbriar, Sikeston, Scott County, Missouri 63801, as a member of the Board of Regents for Southeast Missouri State University, for a term ending January 1, 2007, and until his successor is duly appointed and qualified; vice, Sarah Long, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 23, 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 L. Evans, Republican, 3789 Southeast Highway 33, Lathrop, Clinton County, Missouri 64465, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2004, and until his successor is duly appointed and qualified; vice, RSMo. 316.204.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 23, 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:

Michael L. Gray, 2548 North State Highway F, Ash Grove, Greene County, Missouri 65604, as a member of the Missouri Board for Architects, Professional Engineers, and Professional Land Surveyors, for a term ending September 28, 2004, and until his successor is duly appointed and qualified; vice, Richard J. Barr, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 23, 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:

Roger L. Gregory, Democrat, 2418 Kleager Road, Cuba, Gasconade County, Missouri 65453, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2003, and until his successor is duly appointed and qualified;

vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
April 23, 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:

Vicky L. Weimholt, 715 Peachtree, Jefferson City, Cole County, Missouri 65101, as a member of the Personnel Advisory Board, for a term ending July 13, 2002, and until her successor is duly appointed and qualified; vice, Daniel S. Ross, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

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

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS for HCS for HB 2; SCS for HCS for HB 3; SCS for HCS for HB 4; SCS for HCS for HB 5; SCS for HCS for HB 6**, as amended; **SCS for HCS for HB 7; SCS for HCS for HB 8; SCS for HCS for HB 9; SCS for HCS for HB 10**, as amended; **SCS for HCS for HB 11**, as amended; and **SCS for HCS for HB 12**: Senators Russell, Rohrbach, Westfall, Goode and Wiggins.

RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 615, regarding Gregory A. Pottberg, Fort Osage, which was adopted.

Senators Johnson and Bentley offered the following resolution:

SENATE RESOLUTION NO. 616

WHEREAS, April is National Autism Awareness Month; and

WHEREAS, autism is a complex developmental disability that typically appears during the first three years of life in one of every 500 children; and

WHEREAS, autism knows no racial, ethnic, social, economic, or educational boundaries; and

WHEREAS, children diagnosed with autism can learn and function productively and can show gains when given the appropriate education and treatment; and

WHEREAS, there exists a need for further exploration of the causes of autism and the involvement of the state in providing support for families affected by autism:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, that a Committee on Autism be created to study the causes, effects, and implications of autism on Missouri's children and their families and to explore and develop effective methods of assistance for those affected by autism; and

BE IT FURTHER RESOLVED that the Committee shall be composed of eight members, appointed by the President Pro Tem of the Senate, including two Republican Senators, two Democrat Senators, a representative of the Department of Health, a representative of the Department of Social Services, a representative of the Department of Mental Health, and a representative of the Department of Elementary and Secondary Education; and

BE IT FURTHER RESOLVED that said committee shall elect a chair and shall prepare a report as necessary and submit it to the President Pro Tem of the Senate; and

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

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

Senator Cauthorn offered Senate Resolution No. 617, regarding Lauren Keller, Mexico, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Cauthorn introduced to the Senate, Aaron Sydow, Sharon Allgood, Karen Johannaber, Chery Bright, Nancy DeOrnellis, Stacy Dye, Tracy Thomas, Carla Hunt, Gail Gamboa, Tracy Windmann, Carrie Burke and thirty-nine fourth grade students from Paris.

Senator Staples introduced to the Senate, Bryon, Ginger and Bailey Gruben, Summersville; and Bailey was made an honorary page.

Senator Scott introduced to the Senate, members of the St. Louis Cardinals Baseball Organization: Mark McGwire, Andy Benes, Albert Pujols, Mike Matheny, Ray Lankford, J.D. Drew, Jim Edmonds, Tony LaRussa, Manager, and Walt Jocketty, General Manager.

On behalf of Senator Kinder, the President introduced to the Senate, representatives of the St. Louis Cardinals Baseball Organization: Owners William DeWitt, Jr., Andrew Baur, David Pratt and Fred Hanser; Mark Lamping, President; Walt Jocketty, General Manager; and Tim Hanser and William DeWitt, III, Club Executives.

Senator Klarich introduced to the Senate, Barbara Quigley, R.N., M.A., Chesterfield; and Nigel M. de S. Cameron, Reston, Virginia.

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

SENATE CALENDAR

SIXTIETH DAY—TUESDAY, APRIL 24, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

THIRD READING OF SENATE BILLS

SCS for SBs 69 & 458-Gross
(In Budget Control)

SCS for SBs 247 & 330-
Westfall and Staples
(In Budget Control)

SS for SCS for SBs 551,
410, 539, 528 & 296-Sims
(In Budget Control)

SCS for SBs 52 & 91-Childers
(In Budget Control)

SS for SCS for SJRs 1
& 4-Schneider
(In Budget Control)

Unofficial
SENATE BILLS FOR PERFECTION

1. SB 578-Goode and Russell, with SCS
2. SBs 448 & 588-Sims, et al, with SCS
3. SB 535-Rohrbach, with SCS
4. SB 66-Gibbons, with SCS#2
5. SB 525-Cauthorn, with SCS
6. SB 242-Kenney
7. SB 225-Mathewson, with SCS
8. SB 180-Klarich
9. SB 583-Yeckel
10. SB 488-Klindt, et al, with SCS
11. SB 387-Goode, et al, with SCS
12. SB 455-Kinder, et al, with SCS
13. SBs 334 & 228-Kinder, with SCS

14. SB 469-Gross, et al
15. SB 546-Kenney, et al, with SCS
16. SB 337-House and Kinder
17. SB 593-Klindt, with SCS
18. SB 509-Cauthorn and Klindt
19. SBs 42 & 108-Kenney, with SCS
20. SB 565-Staples
21. SB 596-Loudon
22. SB 597-Singleton
23. SB 268-Schneider, with SCS
24. SBs 249 & 523-Wiggins, with SCS
25. SBs 508 & 468-Cauthorn and Klindt, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 274, with
SCA 1 (Klindt)
HCS for HB 207, with
SCA 1 (Childers)
(In Budget Control)

HB 954-Hosmer (Westfall)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 27-Johnson and Westfall, with SCS, SS for SCS & SA 1 (pending)	SB 331-DePasco, et al, with SCS & SS for SCS (pending)
SB 65-Gibbons, with SCS	SB 373-Gibbons and Yeckel, with SCS
SBs 67 & 40-Gross, with SCS	SB 375-Steelman, with SCS, SS for SCS, SA 1 & SSA 3 for SA 1 (pending)
SB 68-Gross and House	SBs 391 & 395-Rohrbach, with SCS & SS for SCS (pending)
SB 99-Sims, with SCS	SB 438-Bentley and Stoll, with SS, SS for SS & SA 1 (pending)
SB 114-Loudon, with SCS, SS for SCS & SA 1 (pending)	SB 445-Singleton, with SCS & SS for SCS (pending)
SB 184-Johnson, et al, with SS#2 (pending)	SB 454-Kinder, with SCS
SB 222-Caskey, with SA 3 & SSA 1 for SA 3 (pending)	SBs 459, 305, 396 & 450- Westfall, with SCS & SS for SCS (pending)
SB 226-Goode, et al, with SCS, SS for SCS, SA 1, SSA 1 for SA 1 & SA 3 to SSA 1 for SA 1 (pending)	SBs 476, 427 & 62-Yeckel, et al, with SCS, SS for SCS & SA 4 (pending)
SBs 238 & 250-Staples, et al, with SCS (pending)	SBs 510, 512 & 133-Kenney, with SCS (pending)
SB 239-Stoll, with SCS & SA 11 (pending)	SJR 11-Yeckel
SB 251-Kinder	
SBs 253 & 260-Gross, with 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

House Bills

Reported 4/10

HB 664-Skaggs (Yeckel)
HB 491-George, with SCS
(Goode)
HB 236-Smith, with SCS
(Caskey)
HB 266-Treadway (Gross)
HB 745-Farnen (Mathewson)
HB 180-Thompson, et al (Sims)

HB 129-Van Zandt and
Campbell (Klarich)
HB 48-Relford (Mathewson)
HB 801-Liese and Wagner,
with SCS (Yeckel)
HB 218-Farnen, et al
(Kenney)
(In Budget Control)

Reported 4/11

HB 454-Monaco (Dougherty)
HB 537-Ostmann, et al
(Klarich)
HB 603-Hilgemann, et al,
with SCS (Sims)
HB 212-Ward, with SCS
(Rohrbach)
HB 644-Burton, with SCS
(Jacob)
HB 459-Liese, et al, with
SCS (Rohrbach)
HB 732-Hosmer (Staples)
HB 693-Smith and Carnahan,
with SCS (Klarich)
HB 955-Green (73), with
SCA 1 (Goode)
HB 933-Reid (Gibbons)

HB 816-Kennedy and
Gambaro (Gibbons)
HB 825-Kennedy (Klarich)
HB 321-Skaggs, et al
(Wiggins)
(In Budget Control)
HB 590-Graham (Gibbons)
HBs 808 & 951-Gratz and
Vogel, with SCS
(Rohrbach)
(In Budget Control)
HB 742-Harding, et al,
with SCS (Johnson)
(In Budget Control)
HB 922-Gaskill and
Bartelsmeyer (Childers)
HB 909-Davis (Mathewson)

HB 779-Barnett (Klindt)
 HB 600-Hosmer and Marsh
 (Bentley)
 HB 596-Kennedy and
 Gambaro (Scott)
 HB 502-Ward (Staples)
 HB 410-Holt, et al (House)

HB 409-Surface
 (Singleton)
 HB 408-Kelley (47)
 (Kenney)
 HB 84-Richardson
 (Childers)
 HB 788-O'Connor (Gross)

Reported 4/12

HB 78-Kennedy and
 Richardson (Klarich)
 HB 607-Treadway, et al,
 with SCS (Sims)
 HB 796-Hosmer, with SCS
 (Singleton)
 HB 111-Ladd Baker (Gross)
 HCS for HB 106 (Bland)
 HB 431-Barry (Singleton)
 HB 52-Ward and Crump,
 with SCAs 1 & 2 (Staples)
 HB 945-Hosmer, with SCS
 (Bentley)
 HB 420-Williams, et al
 (Westfall)
 HB 458-Lawson, et al
 (Klindt)
 HB 470-Shields and
 Hegeman (Johnson)
 HBs 648, 477 & 805-
 Ostmann, et al, with
 SCS (Westfall)
 HB 691-Barnett, et al,
 with SCS (Klindt)

HB 897-Kreider, et al
 (Klindt)
 HB 45-Farnen (Bentley)
 HB 309-McKenna, et al
 (Stoll)
 HB 865-Davis (Caskey)
 HB 725-Britt (Foster)
 HB 881-Scott, et al, with
 SCS (Rohrbach)
 HB 606-Kennedy, et al,
 with SCS (Yeckel)
 HB 202-Rizzo, with SCS
 (Kenney)
 HB 242-Smith, with SCS
 (House)
 HB 361-Shoemyer, with SCS
 (Goode)
 HB 498-Wagner and McKenna,
 with SCS (Stoll)
 HB 679-Boykins (Sims)
 HB 473-Robirds, with SCS
 (Foster)
 HB 904-Merideth, et al,
 with SCS (Foster)

**BILLS IN CONFERENCE AND BILLS
 CARRYING REQUEST MESSAGES**

In Conference

HCS for HB 2, with SCS
 (Russell)

HCS for HB 3, with SCS
 (Russell)

HCS for HB 4, with SCS
(Russell)
HCS for HB 5, with SCS
(Russell)
HCS for HB 6, with SCS,
as amended (Russell)
HCS for HB 7, with SCS
(Russell)
HCS for HB 8, with SCS
(Russell)

HCS for HB 9, with SCS
(Russell)
HCS for HB 10, with SCS,
as amended (Russell)
HCS for HB 11, with SCS,
as amended (Russell)
HCS for HB 12, with SCS
(Russell)

Unofficial
RESOLUTIONS

SR 345-Quick, et al

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

To be Referred
Journal

SR 616-Johnson

Reported from Committee

SCR 8-Caskey, with SA 2
(pending)
SCR 17-Steelman, et al
HCR 16-Green and Holt
(House)
SR 495-Klarich, with SCS

HCR 5-Mays (Goode)
HS for HCR 6-Myers
(Kenney)
HCR 10-Holand
HCR 24-Boucher, with SCS
(Yeckel)

Requests to Recede or Grant Conference

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

✓