

# Journal of the Senate

SECOND REGULAR SESSION

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**TWENTY-NINTH DAY—WEDNESDAY, FEBRUARY 27, 2002**

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The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

“...but those who listen to me will be secure and will live at ease, without dread of disaster.” (Proverbs 1:33)

Gracious and loving God, help us this day to hear Your word, understand its wisdom, obey Your directions and rest secure in Your grace. Help us not to confuse our search for courage, love and wisdom with fame, fortune and status but help us to embrace what we have; Your wisdom, teaching, guidance and counseling. 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.

President Maxwell assumed the Chair.

The Journal of the previous day was read and approved.

Photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—34		

Absent with leave—Senators —None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Dougherty offered Senate Resolution No. 1116, regarding Noah Harrison Winton, Columbia, which was adopted.

Senator Dougherty offered Senate Resolution No. 1117, regarding Tanika Shaneese Trotman, St. Louis, which was adopted.

## INTRODUCTION OF BILLS

The following Bill and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

**SB 1227**—By Rohrbach.

An Act to repeal section 375.330, RSMo, and to enact in lieu thereof one new section relating to

investments by insurance companies.

**SJR 39**—By Gross and House.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 6 of article X of the Constitution of Missouri relating to taxation of veterans organizations, and adopting one new section in lieu thereof relating to the same subject.

**THIRD READING OF SENATE BILLS**

**SB 775**, introduced by Senators House and Loudon, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment of the American military veterans bridge.

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

On motion of Senator House, **SB 775** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Bland	Dougherty	Kennedy	Quick
Schneider—5			

Absent with leave—Senators—None

The President declared the bill passed.

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

Senator House moved that the vote by which

the bill passed be reconsidered.

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

**SB 744**, introduced by Senator Caskey, entitled:

An Act to repeal section 60.010, RSMo, relating to county surveyors and land surveys, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 744** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

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

The President declared the bill passed.

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

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

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

**SB 989**, introduced by Senator Caskey, entitled:

An Act to repeal section 137.082, RSMo, relating to the ad valorem property tax on new

construction, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 989** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland Kennedy Schneider—3

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

## REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 895**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

## SENATE BILLS FOR PERFECTION

Senator Westfall moved that **SB 970, SB 968,**

**SB 921, SB 867, SB 868** and **SB 738**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SBs 970, 968, 921, 867, 868** and **738**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 970, 968, 921, 867, 868  
and 738

An Act to repeal sections 142.803, 144.805, 155.080, 227.100 and 305.230, RSMo, relating to transportation, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Westfall moved that **SCS** for **SBs 970, 968, 921, 867, 868** and **738** be adopted.

Senator Westfall offered **SS** for **SCS** for **SBs 970, 968, 921, 867, 868** and **738**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 970, 968, 921, 867, 868,  
and 738

An Act to repeal sections 136.055, 142.803, 144.805, 155.080, 226.200, 226.540, 226.550, 226.573, 226.580, 226.585, 227.100 and 305.230, RSMo, relating to transportation, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

Senator Westfall moved that **SS** for **SCS** for **SBs 970, 968, 921, 867, 868** and **738** be adopted.

Senator Westfall offered **SS** for **SS** for **SCS** for **SBs 970, 968, 921, 867, 868** and **738**, entitled:

SENATE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 970, 968, 921, 867, 868  
and 738

An Act to repeal sections 136.055, 142.803, 144.805, 155.080, 226.540, 226.550, 226.573, 226.580, 226.585, 227.100 and 305.230, RSMo, relating to transportation, and to enact in lieu

thereof fourteen new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

Senator Westfall moved that **SS** for **SS** for **SCS** for **SBs 970, 968, 921, 867, 868** and **738** be adopted.

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

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Pages 27-32, Section 227.107, by striking said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above amendment be adopted.

Senator Rohrbach assumed the Chair.

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

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

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 27, Section 227.107, Lines 7-12, by striking all of said lines, and insert in lieu thereof, the following: “enter into highway design-build project contracts”; and further amend said section, page 31, lines 7-29, by striking said lines; and further amend said section, page 32, lines 1-5, by striking said lines; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above substitute amendment be adopted.

Senator Kenney requested unanimous consent of the Senate to allow Highway Patrol Troopers in the Chamber in full uniform and armed, which

request was granted.

**SSA 1** for **SA 1** was again taken up.

Senator Cauthorn requested a roll call vote be taken on the adoption of **SSA 1** for **SA 1**. He was joined in his request by Senators Bentley, Childers, Goode and Sims.

**SSA 1** for **SA 1** was adopted by the following vote:

#### YEAS—Senators

Caskey	Coleman	DePasco	Dougherty
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Mathewson	Quick
Schneider	Sims	Staples	Steelman
Stoll	Wiggins	Yeckel—23	

#### NAYS—Senators

Bentley	Bland	Cauthorn	Childers
Foster	Klindt	Loudon	Rohrbach
Russell	Singleton	Westfall—11	

Absent—Senators—None

Absent with leave—Senators—None

At the request of Senator Westfall, **SB 970, SB 968, SB 921, SB 867, SB 868** and **SB 738**, with **SCS, SS** for **SCS** and **SS** for **SS** for **SCS**, as amended (pending), were placed on the Informal Calendar.

#### MESSAGES FROM THE HOUSE

The following message was 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 **HS** for **HCS** for **HBs 1037, 1188, 1074** and **1271** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

#### INTRODUCTION OF BILLS

The following Bills were read the 1st time and

1,000 copies ordered printed:

**SB 1228**—By Sims.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for infertility, with a delayed effective date.

**SB 1229**—By Gibbons.

An Act to repeal sections 173.205 and 335.212, RSMo, relating to the Charles Gallagher student financial assistance program and the nursing student loan program, and to enact in lieu thereof two new sections relating to the same subject.

**SB 1230**—By Gibbons.

An Act to repeal sections 190.101, 190.102, 190.108 and 190.120, RSMo, relating to emergency services, and to enact in lieu thereof five new sections relating to the same subject.

**SB 1231**—By Gibbons.

An Act to repeal section 44.023, RSMo, relating to the emergency management agency, and to enact in lieu thereof five new sections relating to the same subject.

**SB 1232**—By Singleton.

An Act to amend chapter 233, RSMo, by adding thereto one new section relating to road districts.

**SB 1233**—By Yeckel.

An Act to repeal sections 160.400, 160.405, 160.410, 160.415, 160.420 and 167.349, RSMo, relating to charter schools, and to enact in lieu thereof eight new sections relating to the same subject, with an emergency clause for a certain section.

**SB 1234**—By Bland and Coleman.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to utility rates determined by the public service commission.

**SB 1235**—By Bland and Coleman.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to the public service commission.

### REFERRALS

President Pro Tem Kinder referred **SCR 51** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

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

### RECESS

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

### SECOND READING OF SENATE BILLS

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

**SB 1162**—Pensions and General Laws.

**SB 1163**—Commerce and Environment.

**SB 1164**—Pensions and General Laws.

**SB 1165**—Agriculture, Conservation, Parks and Tourism.

**SB 1166**—Financial and Governmental Organization, Veterans' Affairs and Elections.

**SB 1167**—Ways and Means.

**SB 1169**—Judiciary.

**SB 1170**—Commerce and Environment.

**SB 1171**—Financial and Governmental Organization, Veterans' Affairs and Elections.

**SB 1172**—Aging, Families and Mental Health.

**SB 1173**—Ways and Means.

**SB 1174**—Commerce and Environment.

**SB 1175**—Public Health and Welfare.

**SB 1176**—Pensions and General Laws.

**SB 1177**—Ways and Means.

**SB 1178**—Pensions and General Laws.

**SB 1179**—Local Government and Economic Development.

**SB 1180**—Insurance and Housing.

**SB 1181**—Civil and Criminal Jurisprudence.

**SB 1182**—Public Health and Welfare.

**SB 1183**—Education.

**SB 1184**—Public Health and Welfare.

**SB 1185**—Pensions and General Laws.

**SB 1186**—Local Government and Economic Development.

**SB 1187**—Financial and Governmental Organization, Veterans' Affairs and Elections.

**SB 1188**—Civil and Criminal Jurisprudence.

**SB 1189**—Transportation.

**SB 1190**—Aging, Families and Mental Health.

**SB 1191**—Pensions and General Laws.

**SJR 36**—Ways and Means.

**SJR 37**—Transportation.

**RESOLUTIONS**

Senator Rohrbach offered Senate Resolution No. 1118, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Raymond Garber, Versailles, which was adopted.

Senator Mathewson offered Senate Resolution No. 1119, regarding Carol Scrimager, Sedalia, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1120

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of John (Jack) Sanderson, of Kansas City; and

WHEREAS, Mr. Sanderson, a lifelong resident of Kansas City and a graduate of Rockhurst High School and Rockhurst University,

also served in the United States Navy during World War II, graduating from Signalman School in 1944; and

WHEREAS, Mr. Sanderson was associated with Hubbell Metals, National Steel and other related companies during a long and successful business career and a long and distinguished business career, during which he was active in other civic and community affairs, particularly for Rockhurst; and

WHEREAS, Mr. Sanderson was a long time active member of Cure of Ars Catholic Church and throughout his life was an avid athlete; and

WHEREAS, Mr. Sanderson was most of all a dedicated husband, father and grandfather in whose heart and love his family always came first:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the memory of an outstanding Kansas Citian and Rockhurst graduate, John (Jack) Sanderson, express their appreciation for his lifetime of good citizenship and his contributions to Kansas City and to Missouri, and extend to his wife, Mrs. Jean W. Sanderson, family and many friends most sincere sympathy on his death.

BE IT FURTHER RESOLVED, that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for his wife, Mrs. Jean W. Sanderson, son and daughter, Rockhurst High School and Rockhurst University.

**THIRD READING OF SENATE BILLS**

**SB 1017**, introduced by Senator Cauthorn, entitled:

An Act to repeal section 67.1003, RSMo, relating to transient guest tax, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Cauthorn, **SB 1017** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman

Stoll Westfall Wiggins Yeckel—32

NAYS—Senator Staples—1

Absent—Senator Bland—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**SB 1041**, introduced by Senator Russell, entitled:

An Act to authorize the conveyance of property owned by the department of natural resources to private ownership.

Was called from the Consent Calendar and taken up.

On motion of Senator Russell, **SB 1041** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland Gibbons Singleton—3

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**SB 961**, introduced by Senator Wiggins, et al, entitled:

An Act to repeal sections 86.370, 86.398, 86.447, 86.600, 86.671, and 86.745, RSMo, and to enact in lieu thereof eight new sections relating to police retirement systems.

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

On motion of Senator Wiggins, **SB 961** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	DePasco	Dougherty	Foster
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Bland Gibbons Singleton Staples—4

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**SENATE BILLS FOR PERFECTION**

Senator Westfall moved that **SB 970**, **SB 968**, **SB 921**, **SB 867**, **SB 868** and **SB 738**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS**, as amended

(pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS for SS for SCS for SBs 970, 968, 921, 867, 868 and 738**, as amended, was again taken up.

Senator Sims offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 32, Section 227.107, Line 5, by inserting after all of said line the following:

“302.720. 1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. A commercial driver's instruction permit shall be valid for the vehicle being operated for a period of not more than six months, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee for such permit or renewal shall be five dollars. In the alternative, a commercial driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements except the driving test. The permit may be renewed for one

additional thirty-day period and the fee for the permit and for renewal shall be five dollars.

2. No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements imposed by state law. **Applicants for a hazardous materials endorsement must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Pub. Law 107-56) as specified and required by regulations promulgated by the secretary.** Nothing contained in this subsection shall be construed as prohibiting the director from establishing alternate testing formats for those who are functionally illiterate; provided, however, that any such alternate test must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by the secretary.

(1) The written and driving tests shall be held at such times and in such places as the director may designate. A five-dollar examination fee shall be paid by the applicant upon completion of any written or driving test. The director shall delegate the power to conduct the examinations required under sections 302.700 to 302.780 to any member of the highway patrol or any person employed by the highway patrol qualified to give driving examinations.

(2) The director shall adopt and promulgate rules and regulations governing the certification of third-party testers by the department of revenue. Such rules and regulations shall substantially comply with the requirements of 49 CFR Part 383, Section 383.75. A certification to conduct third-party testing shall be valid for one year, and the department shall charge a fee of one hundred dollars to issue or renew the certification of any



third-party tester. Any third-party tester who violates any of the rules and regulations adopted and promulgated pursuant to this section shall be subject to having his certification revoked by the department. The department shall provide written notice and an opportunity for the third-party tester to be heard in substantially the same manner as provided in chapter 536, RSMo. If any applicant submits evidence that he has successfully completed a test administered by a third-party tester, the actual driving test for a commercial driver's license may then be waived.

(3) Every applicant for renewal of a commercial driver's license shall provide such certifications and information as required by the secretary and if such person transports a hazardous material **must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Pub. Law 107-56) as specified and required by regulations promulgated by the secretary**, such person shall be required to take the written test for such endorsement. A five-dollar examination fee shall be paid for each test taken.

3. The director may waive the driving test for a commercial driver's license if such applicant provides the certifications required by regulations established by the secretary as a substitute for the driving test and holds a valid license.

4. The certifications may include, but not be limited to, stating that during the two-year period immediately prior to applying for a commercial driver's license the applicant:

(1) Has not had more than one license;

(2) Has not had any license suspended, revoked, canceled or disqualified;

(3) Has not had a conviction in any type of motor vehicle for driving while intoxicated, driving while under the influence of alcohol or controlled substance, leaving the scene of an accident or felony involving the use of a commercial motor vehicle;

(4) Has not violated any state law or county or

municipal ordinance relating to the operation of a motor vehicle in connection with an accident; and

(5) Has no record of an accident in which such applicant was at fault.

5. In order to be valid as a certification exempting the applicant from the driving test, the applicant shall also provide evidence and certify that:

(1) He is regularly employed in a job requiring him to drive a commercial motor vehicle; and

(2) He has previously taken and passed a driving test given by a state with a classified licensing and testing system, and that the test was behind the wheel in a representative vehicle for that applicant's license classification; or

(3) He has operated, for at least two years immediately preceding application for a commercial driver's license, a vehicle representative of the commercial motor vehicle the applicant drives or expects to drive.

6. A commercial driver's license may not be issued to a person while the person is disqualified from driving a commercial motor vehicle, when a disqualification is pending in any state or while the person's driver's license is suspended, revoked, or canceled in any state; nor may a commercial driver's license be issued unless the person first surrenders in a manner prescribed by the director any commercial driver's license issued by another state, which license shall be returned to the issuing state for cancellation.”; and

Further amend the title and enacting clause accordingly.

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

Senator Gross offered **SA 3**:

#### SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, In the Title,

Line 7, by inserting after “sections” the following: “and with an effective date for certain sections”; and

Further amend said bill, Page 1, Section A, Line 6, by inserting after all of said line the following:

“92.045. 1. Any constitutional charter city in this state which now has or may hereafter acquire a population in excess of three hundred fifty thousand inhabitants, according to the last federal decennial census, is hereby authorized, for city and local purposes, to license, tax, and regulate the occupation of merchants, manufacturers, and all businesses, avocations, pursuits, and callings that are not exempt from the payment of licenses by law and may, by ordinance, base such licenses on gross receipts, gross profits or net profits, per capita, flat fee, graduated scale based on gross or net receipts or sales, or any other method or measurement of tax or any combination thereof derived or allocable to the carrying on or conducting of any business, avocation, pursuits or callings or activities carried on in such cities **or airports owned, controlled or maintained by such cities.**

2. The local legislative body may grant by ordinance to its administering tax official the power to adopt regulations and rules relating to any matters pertaining to the administration and enforcement of any ordinances enacted in accordance with the authority heretofore given. Copies of such regulations and rules shall be kept in the office of such tax official designated in such ordinance and shall be open to inspection by the public. Said regulations or rules may be changed or amended from time to time.”; and

Further amend said bill, Page 36, Section 305.230, Line 18 of said page, by inserting after all of said line the following:

“305.510. 1. “The Missouri-St. Louis Metropolitan Airport Authority” is hereby established. The authority is a body corporate and a political subdivision of the state and shall be

known as “The Missouri-St. Louis Metropolitan Airport Authority”, and in that name may sue and be sued. Actions of the authority are declared to be in the public interest and for a public purpose, and the authority may exercise the powers herein granted or necessarily implied for the purpose of promoting the general welfare and to provide safe and convenient air travel and transportation to and from the greater St. Louis metropolitan area.

2. [After June 30, 1983, the general assembly shall not appropriate or expend any state moneys for the implementation and continuation of this section or the Missouri-St. Louis metropolitan airport authority.] **Beginning January 1, 2005, the authority shall be responsible for the operation of any and all international airports located in Missouri within fifty miles of the city of St. Louis, and shall exercise any and all powers granted to it in this chapter in the exercise of this responsibility. Nothing herein shall be construed to change the ownership of such international airport.**

3. **The authority shall honor all bonds, debts, outstanding obligations and contracts and employee pension plans of any airport or airport authority affected by this section.**

4. **The operation of such airport by the authority shall replace the operation by any other entity created by local ordinance.**

5. **Any profit from the operation of any airport or airport authority affected by this section shall continue to be received by the city of St. Louis.**

6. **The provisions of sections 305.510 and 305.515 shall not affect the tax authorized pursuant to section 92.045, RSMo.**

305.515. 1. [The governor, with the advice and consent of the senate, shall appoint four members of the authority; and two of the members shall be appointed for a term of two years, and two for a term of three years. The governor shall designate one of the authority members as chairman for the

first two years. Thereafter, the authority membership shall elect a member to serve as chairman.] The mayor of the city of St. Louis [and the supervisor], **the county executive of St. Louis County, the county executive of St. Charles County and the county commissions of Jefferson and Franklin Counties**, with the advice and consent of their respective governing bodies, shall each appoint [three members of the authority and of the three, one shall be appointed for a term of two years, one for a term of three years, and one for a term of four years. The county commissions of Jefferson, Franklin and St. Charles counties shall each appoint one member of the authority, each such member to serve a term of four years. Thereafter, all appointments shall be for a term of four years.] **one member of the authority for each one hundred thirty thousand residents in the city or county according to the latest decennial census. In no event shall any appointing authority for a city or county appoint a majority of the members of the commission. The first, third and fifth members initially appointed by an appointing authority shall be appointed for a term of four years. The second, fourth and sixth initial members shall be appointed for a term of two years. Appointments subsequent to the initial appointments shall be for a term of four years. Each member shall be subject to removal by the appointing authority.** Any fraction of a year shall be considered a full year and each member's term of office shall expire on the appropriate fifteenth day of January, but he shall continue to hold office until his successor is appointed and qualified. One more than one-half of the members of the authority shall constitute a quorum. Vacancies occurring in the membership shall be filled by appointment by the person making the original appointment for the unexpired remainder of the term. **The authority membership shall elect a member to serve as chairman.**

2. No person shall be appointed to the authority who is an elected official of the state of Missouri or

any political subdivision thereof. No person shall be appointed to the authority who is actively engaged or employed in commercial aeronautics.

3. The members of the authority shall receive as compensation for their services twenty-five dollars per day for the time spent in the performance of their official duties, and also their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties.

4. Each member shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office. At such time as federal funds are received or revenue bonds are issued, each member shall give bond in the penal sum of one hundred thousand dollars conditioned upon the faithful performance of his duties and the bond shall be filed in the office of the Missouri secretary of state. The cost of the bond shall be paid by the authority.

**305.572. Beginning April 1, 2005, the authority shall enter into negotiations with the appropriate officials from the city of St. Louis to discuss issues regarding employees who work in the area's airport. The issues to be discussed shall include, but not be limited to, the following:**

- (1) Employee transition issues;**
- (2) Employee pension plans and other retirement issues; and**
- (3) The amount of compensation from the city of St. Louis to employee wages, pension plans and other benefit programs.**

**Any issues discussed between the authority and the city of St. Louis shall not be binding upon the parties.”; and**

Further amend said bill, Page 36, Section B, Line 26 of said page, by inserting after all of said line the following:

“Section C. The provisions of sections

92.045, 305.510, 305.515 and 305.572 of this act shall become effective on January 1, 2005.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted.

Senator Dougherty raised the point of order that SA 3 is out of order in that the amendment goes beyond the scope and purpose of the underlying substitute.

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

Senator Gibbons assumed the Chair.

Senators Jacob and Schneider offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 3, Section 142.803, Line 16 of said page, by inserting immediately after the closing bracket “]” the following: “. In addition to the tax levied pursuant to this section, there is levied an additional tax of three cents per gallon upon diesel fuel”; and

Further amend said bill, Page 32, Section 227.107, Line 5 of said page, by inserting immediately after said line the following:

“301.057. The annual registration fee for property-carrying commercial motor vehicles, not including property-carrying local commercial motor vehicles, or land improvement contractors' commercial motor vehicles, based on gross weight is:

6,000 pounds and under .....	\$ [25.50]	<b>33.00</b>
6,001 pounds to 9,000 pounds .....	[38.00]	<b>49.50</b>
9,001 pounds to 12,000 pounds .....	[38.00]	<b>49.50</b>
12,001 pounds to 18,000 pounds ...	[63.00]	<b>82.00</b>
18,001 pounds to 24,000 pounds ..	[100.50]	<b>131.00</b>

24,001 pounds to 26,000 pounds ..	[127.00]	<b>165.00</b>
26,001 pounds to 30,000 pounds ..	[180.00]	<b>234.00</b>
30,001 pounds to 36,000 pounds ..	[275.50]	<b>357.50</b>
36,001 pounds to 42,000 pounds ..	[413.00]	<b>537.00</b>
42,001 pounds to 48,000 pounds ..	[550.50]	<b>716.00</b>
48,001 pounds to 54,000 pounds ..	[688.00]	<b>894.00</b>
54,001 pounds to 60,010 pounds..	[825.50]	<b>1,073.00</b>
60,011 pounds to 66,000 pounds..	[1,100.50]	<b>1,431.00</b>
66,001 pounds to 73,280 pounds..	[1,375.50]	<b>1,788.00</b>
73,281 pounds to 78,000 pounds..	[1,650.50]	<b>2,146.00</b>
78,001 pounds to 80,000 pounds..	[1,719.50]	<b>2,235.00</b>

301.265. 1. The owner of any motor vehicle or, in the event the motor vehicle is legally operated by someone other than the owner, then the operator thereof, which is duly and legally registered in some other jurisdiction but which cannot legally be operated on Missouri highways under the provisions of section 301.271, or under the provisions of any applicable agreement duly entered into by the Missouri highway reciprocity commission, which is operated on the highways of this state only occasionally by such owner or operator, may in lieu of the payment of the registration fee for such vehicle, obtain a trip permit from the department of revenue authorizing the operation of such vehicle on the highways of this state for a period of not to exceed seventy-two hours. The trip permit is valid for use by any owner or operator who uses the vehicle during the seventy-two hour period. The fee for such trip permit shall be [ten] **fourteen dollars and fifty cents** and shall be collected by the department of revenue and deposited with the state treasurer to the credit of the state highway department fund except when an agreement has been negotiated with another jurisdiction whereby prepayment is not required. In such cases, the terms of the agreement shall prevail. When such trip permit fee has been paid on a motor vehicle, no registration or fee shall be required for a trailer or semitrailer duly

and legally registered in any jurisdiction and propelled by such motor vehicle. The director of revenue shall prescribe rules and regulations to effectuate the purpose of this section. Application for such trip permits shall be made on a form prescribed by and shall contain such information as may be required by the director of revenue.

2. The requirements of Missouri law as to title of motor vehicles shall not be applicable to vehicles operated under such trip permits.

3. Any owner or operator who desires to use a trip permit for the operation of his vehicle shall secure such permit and the same must be in full force and effect before the vehicle enters or commences its trip in the state of Missouri.

4. Operators who fail to obtain such permit before the vehicle enters or commences its trip in this state are subject to arrest and must obtain such permit before proceeding. The permits shall be made available at official highway weight stations.

5. The purchase of a [ten] **fourteen** dollar **and fifty cents** trip permit shall allow such operator to haul the maximum weight allowed by statute.

6. Such permits may be sold in advance of the date of their use in such quantities as the director of revenue shall determine.

302.735. 1. The application for a commercial driver's license shall include, but not be limited to, the legal name, mailing and residence address, if different, a physical description of the person, including sex, height, weight and eye color, the person's Social Security number, date of birth and any other information deemed appropriate by the director.

2. The application for a commercial driver's license or renewal shall be accompanied by the payment of a fee of [forty] **sixty** dollars. The fee for a duplicate commercial driver's license shall be [twenty] **thirty** dollars. A commercial driver's license shall expire on the applicant's birthday in the sixth year after issuance and must be renewed on or before the date of expiration. The director

shall have the authority to stagger the issuance or renewal of commercial driver's license applicants over a six-year period. When a person changes such person's name an application for a duplicate license shall be made to the director of revenue. When a person changes such person's mailing address or residence the applicant shall notify the director of revenue of said change, however, no application for a duplicate license is required. To all applicants for a commercial license or renewal who are between eighteen and twenty-one years of age and seventy years of age and older, the application shall be accompanied by a fee of twenty dollars. A commercial license issued pursuant to an applicant less than twenty-one years of age and seventy years of age and older shall expire on the applicant's birthday in the third year after issuance.

3. Within thirty days after moving to this state, the holder of a commercial driver's license shall apply for a commercial driver's license in this state. The applicant shall meet all other requirements of sections 302.700 to 302.780, except that the director may waive the driving test for a commercial driver's license as required in section 302.720 if the applicant for a commercial driver's license has a valid commercial driver's license from a state which has requirements for issuance of such license comparable to those in this state.

4. Any person who falsifies any information in an application or test for a commercial driver's license shall not be licensed to operate a commercial motor vehicle, or the person's commercial driver's license shall be canceled, for a period of one year after the director discovers such falsification.

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

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

level as such divided highway;

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

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

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

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

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

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

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

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

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

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

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

4. Notwithstanding the provisions of section 304.120 or any other provision of law to the contrary, cities, towns and villages may regulate the speed of vehicles on state roads and highways within such cities', towns' or villages' corporate limits by ordinance with the approval of the state highways and transportation commission. Any reduction of speed in cities, towns or villages shall be designed to expedite the flow of traffic on such state roads and highways to the extent consistent with public safety. The commission may declare any ordinance void if it finds that such ordinance is:

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

(2) Primarily designed to produce revenue for the city, town or village which enacted such ordinance.

If an ordinance is declared void, the city, town or village shall have any future proposed ordinance approved by the highways and transportation commission before such ordinance may take effect.

5. The county commission of any county of the second, third or fourth classification may set the speed limit or the weight limit or both the speed limit and the weight limit on roads or bridges on

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

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

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

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

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

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

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

**12. (1) The operator of any truck registered for a gross weight of more than forty-eight thousand pounds operating such vehicle at a speed in excess of sixty-five miles per hour shall be fined one hundred dollars for every five-mile increment in which the operator exceeds sixty-five miles per hour.**

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

Further amend said bill, Page 36, Section 305.230, Line 18 of said page, by inserting immediately after said line the following:

“622.030. 1. The administrative law judges shall assume all the duties concerning transportation activities heretofore imposed upon the commissioners of the public service commission in their quasi-judicial capacity and function. All ministerial duties shall be performed by the division, and the administrative law judges shall not be responsible for those activities. The administrative law judges shall hear and decide all matters concerning transportation activities which the public service commission or public service commissioners would have been required to hear and decide in a quasi-judicial capacity.

2. Each administrative law judge may exercise all powers granted to the division without the

concurrence of any other administrative law judge, except with respect to the rulemaking powers, in which all administrative law judges must concur. The method of assignment of petitions, appeals or other cases may be determined by rule or other agreement between the administrative law judges. Except as provided in section 622.035, all hearings before the administrative law judges shall be governed by rules adopted by them. In all investigations, inquiries or hearings before the division or the administrative law judges, neither the administrative law judges nor the division shall be bound by technical rules of evidence. No formality in any proceeding nor in the manner of taking testimony before the division or an administrative law judge shall invalidate any order, decision, rule or regulation made, approved or confirmed by the division or administrative law judge.

3. The division [may] **shall** charge a [reasonable] docket fee [as may be set by rule] of **two hundred dollars** to be paid upon the filing of any petition, application, complaint, or other request for relief or authority by any party other than the division staff. All such docket fees shall be paid to the state director of revenue at the time of the filing of any such petition, application, complaint or other request for relief or authority, and the same shall be deposited by the state director of revenue in the highway fund of the state of Missouri.”; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, House, Kinder and Stoll.

Senator Singleton assumed the Chair.

Senator Schneider requested a division of the question asking that a vote first be taken on the part of the amendment dealing with Section 304.010 and that a second vote be taken on the remainder of

the amendment.

Senator Klarich made a substitute request that the amendment be divided in three parts, asking that a vote first be taken on part I of the amendment dealing with Pages 1-5 including Sections 142.803, 301.057, 301.265 and 302.735; a second vote be taken on Pages 5-9 dealing with Section 304.010; and that a third vote be taken on the remainder of the amendment, which request was granted.

Senator Schneider requested further division of the question asking that a separate vote be taken on Lines 2-5 of Page 1 dealing with Section 142.803.

Senator Jacob made a substitute request for a division of the question asking that a separate vote be taken on each of the following sections of the amendment: Section 142.803; Section 301.057; Section 301.265; Section 302.735; Section 304.010 and Section 622.030, which request was granted.

Senator Klarich assumed the Chair.

Senator Schneider requested a roll call vote be taken on the adoption of all six parts of the amendment and was joined in his request by Senators Sims, Childers, House and Jacob.

Senator Jacob moved that **Part I** of **SA 4** be adopted, which motion failed by the following vote:

YEAS—Senators

Bentley	Bland	Coleman	Dougherty
Goode	House	Jacob	Kennedy
Quick	Schneider	Wiggins—11	

NAYS—Senators

Caskey	Cauthorn	Childers	Foster
Gibbons	Gross	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Yeckel—22		

Absent—Senator DePasco—1

Absent with leave—Senators—None



Senator Jacob moved that **Part II** of **SA 4** be adopted, which motion failed by the following vote:

YEAS—Senators

Bland	Coleman	DePasco	Dougherty
Goode	House	Jacob	Kennedy
Quick	Schneider	Sims	Wiggins—12

NAYS—Senators

Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Gross	Johnson
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Singleton	Staples	Steelman	Stoll
Westfall	Yeckel—22		

Absent—Senators—None

Absent with leave—Senators—None

Senator Jacob moved that **Part III** of **SA 4** be adopted, which motion failed by the following vote:

YEAS—Senators

Bland	Coleman	DePasco	Dougherty
House	Jacob	Kennedy	Quick
Schneider	Wiggins—10		

NAYS—Senators

Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Goode	Gross
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Rohrbach
Russell	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Yeckel—24

Absent—Senators—None

Absent with leave—Senators—None

Senator Jacob moved that **Part IV** of **SA 4** be adopted, which motion failed by the following vote:

YEAS—Senators

Coleman	DePasco	Dougherty	Jacob
Kennedy	Schneider	Wiggins—7	

NAYS—Senators

Bentley	Bland	Caskey	Cauthorn
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Childers	Foster	Gibbons	Goode
Gross	House	Johnson	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Yeckel—27	

Absent—Senators—None

Absent with leave—Senators—None

**Part V** of **SA 4** was taken up.

Senator Caskey raised the point of order that **Part V** of **SA 4** is out of order in that it goes beyond the scope and purpose of the original bill.

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

Senator Jacob moved that **Part VI** of **SA 4** be adopted, which motion failed by the following vote:

YEAS—Senators

Bland	Coleman	DePasco	Dougherty
Jacob	Klarich	Quick	Schneider
Wiggins—9			

NAYS—Senators

Bentley	Caskey	Cauthorn	Childers
Foster	Gibbons	Goode	Gross
House	Johnson	Kennedy	Kenney
Kinder	Klindt	Loudon	Mathewson
Rohrbach	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Yeckel—25			

Absent—Senators—None

Absent with leave—Senators—None

Senator Singleton offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 970, 968, 921, 867, 868 and 738, Page 6, Section 155.080, Line 22, by inserting after all of said line the following:

**“226.202. Beginning the first fiscal year**

following voter approval of this act, the total amount of appropriations from the state highways and transportation department fund, as established in section 226.200 to the state highway patrol shall be reduced by twenty-five percent based on the prior fiscal year appropriation to the state highway patrol. For each ensuing fiscal year, the total amount of appropriations from the state highways and transportation department fund to the state highway patrol shall be reduced an additional twenty-five percent for every subsequent fiscal year thereafter until the state highway patrol does not receive any appropriations from the state highways and transportation department fund for fiscal years 2007 or any subsequent fiscal year.”; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

At the request of Senator Westfall, **SB 970**, **SB 968**, **SB 921**, **SB 867**, **SB 868** and **SB 738**, with **SCS**, **SS** for **SCS**, **SS** for **SS** for **SCS** and **SA 5** (pending), were placed on the Informal Calendar.

#### MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1375**, entitled:

An Act to repeal section 443.415, RSMo, and to enact in lieu thereof one new section relating to mortgage insurance amounts.

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 1495**, entitled:

An Act to repeal section 130.016, RSMo, and to enact in lieu thereof one new section relating to elections.

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 1348**, entitled:

An Act to repeal section 263.531, RSMo, and to enact in lieu thereof one new section relating to boll weevil eradication.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

#### RESOLUTIONS

Senator Russell offered Senate Resolution No. 1121, regarding Kenneth E. Jones, D.O., Lebanon, which was adopted.

Senator Klindt offered the following resolution:

##### SENATE RESOLUTION NO. 1122

WHEREAS, the United States Army Corps of Engineers is considering six alternatives for managing the Missouri River mainstream reservoir system. Excluding the Current Water Control Plan (CWCP), there are five other plans which would result in the storage of more water in the upstream reservoirs while decreasing the amount of useable water available for downstream designated uses; and

WHEREAS, the United States Fish and Wildlife Service has recommended flow changes below Gavins Point Dam and four of the six plans proposed by the United States Army Corps of Engineers include both an artificial spring rise and a summer low flow component downstream of Gavins Point Dam; and

WHEREAS, these proposed changes in total system storage would restrict the use of water by downstream states and thus be detrimental to the future welfare of Missourians. Substantial flow restrictions would put not only Missouri River navigation at risk but

Mississippi River navigation at risk; and

WHEREAS, the Corps of Engineers own analysis shows a net habitat gain of a minimal 37.4 acres below Gavins Point Dam will occur by implementing proposed changes increasing river flows to 20,000 cubic feet per second over CWCP releases and reducing summer flows to 21,000; and

WHEREAS, the Missouri River watershed drains one-sixth of the United States over an eight-state area and the river itself is 2,341 miles long, 37.4 acres of net new habitat compared to this massive land area seems incredibly out of balance considering the risks associated with the proposed changes; and

WHEREAS, spring releases from Gavins Point Dam during May would increase the risk of flooding, cause higher groundwater levels, and impede interior drainage throughout the lower basin; and

WHEREAS, summer low flows of the magnitude that are being proposed, would likely have a severe impact on industries and utilities that depend on the waters of the Missouri River; and

WHEREAS, the State of Missouri believes that the Missouri River must remain a river of many uses maintaining the Congressionally authorized purposes of the River particularly flood control and navigation, and that future management of the River must balance the interests of both the upstream and downstream reaches of the River:

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate, Ninety-first General Assembly, Second Regular Session, hereby urge the federal government not to adopt any proposal that would negatively impact beneficial uses of the lower Missouri and Mississippi Rivers; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, Vice President of the United States, Secretary of the United States Department of Interior, Secretary of the United States Department of Agriculture, Secretary of the United States Department of Transportation, Assistant Secretary of the Army for Civil Works, and the Chief of Engineers of the United States Army Corps of Engineers.

Senator Jacob offered the following resolution:

SENATE RESOLUTION NO. 1123

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct

role-playing experience; and

WHEREAS, during June 2002, the American Legion Auxiliary, Department of Missouri, is conducting the Sixty-First annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol where participants could gather to gain a more realistic insight into official governmental and electoral proceedings;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-First General Assembly, hereby grant the adult leaders and participants of the Sixty-First Session of the Missouri Girls State permission to use the Senate Chamber for the purpose of swearing in mock legislative officials and conducting a mock legislative session on June 25, 2002.

### INTRODUCTIONS OF GUESTS

Senator Sims introduced to the Senate, Dr. Dorothy Fryer, Mr. Edwin Fryer, Caroline Fryer and Mr. Aron Williams, St. Louis; and Caroline was made an honorary page.

Senator Gibbons introduced to the Senate, Laura Hockensmith and her parents, Dana and Sue Hockensmith, Manchester.

Senator Russell introduced to the Senate, Gary Naylor, Jeff Owen, Brennon Abraham, Pam Blosser, Mary Delp, Alan Heard, Debra Henderson, Jenny McIntire, Tad Messenger, Kenneth Niemi, Linda Portman, Jay Roderick and Ron Locke, members of the Buffalo Excel Leadership Class.

Senator Bentley introduced to the Senate, Jeff Lindmark, Kansas City.

Senator Klarich introduced to the Senate, the Physician of the Day, Dr. Tom Saak, M.D., St. Louis.

Senator Westfall introduced to the Senate, Justin Doherty, Bolivar; and Justin was made an honorary page.

Senator House introduced to the Senate, James Renner and Greg Reed, Pike County; and Floyd Dowell and Pat Rhoads, Lincoln County.

Senator Rohrbach introduced to the Senate, Mike Hotra and Rochelle Tedesco, Washington, D.C.

Senator Loudon introduced to the Senate, Leonard Sonnenschein, Manchester.

Senator Cauthorn introduced to the Senate, Lori Johnson, Mexico.

Senator Mathewson introduced to the Senate, Terri Combs, Judy Imhouser and Ashley Roggenkomp, Pettis County.

Senator Rohrbach introduced to the Senate, Heather Crocker, Jefferson City.

Senator Kenney introduced to the Senate, his daughter, Elizabeth, Lee's Summit; and Elizabeth was made an honorary page.

Senator Steelman introduced to the Senate, Susan Gabelsberger, Bonnots Mill.

Senator Dougherty introduced to the Senate, Senator Maggie Carlton, Nevada.

Senator Steelman introduced to the Senate, Alison and Caleb Poynter and Kathy and Kenny Moore, Houston.

Senator Sims introduced to the Senate, Gene and Ginny Terry, Jefferson City.

Senator Kennedy introduced to the Senate,

Onis Harper and Martin Corcoran, Maplewood.

Senator Kennedy introduced to the Senate, Chancellor Blanche Touhill and Betty Van Uum, St. Louis.

Senator Dougherty introduced to the Senate, Chris Hayday, Columbia.

Senator Westfall introduced to the Senate, Dona Funk, Vicki Simmons and Mr. and Mrs. Ken Potts, Cedar County.

Senator Stoll introduced to the Senate, members of the Kimmswick Historical Society, Kimmswick.

Senator Bentley introduced to the Senate, Dr. and Mrs. Robert Flanders, Springfield.

Senator Steelman introduced to the Senate, Chancellor Gary Thomas, Rolla.

Senator Wiggins introduced to the Senate, David E. Brown, Jana Robinson, Amanda Roberts and Ashley Harper, Kansas City.

Senator Singleton introduced to the Senate, Kenneth Johnson, Jim Woestman, Bill Putnam, Don Stearnes, Barbara Welch, Joe Barfield and Mike Moss, Carthage and Carl Junction.

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

## SENATE CALENDAR

THIRTIETH DAY—THURSDAY, FEBRUARY 28, 2002

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 1192-Gross  
SB 1193-Caskey  
SB 1194-Klarich

SB 1195-Steelman, et al  
SB 1196-Kennedy  
SB 1197-Gibbons

SB 1198-Gibbons	SB 1218-Coleman
SB 1199-Foster	SB 1219-Singleton
SB 1200-Foster	SB 1220-Sims
SB 1201-Foster	SB 1221-Stoll and Rohrbach
SB 1202-Westfall	SB 1222-Jacob
SB 1203-Yeckel	SB 1223-Jacob
SB 1204-Yeckel	SB 1224-Coleman
SB 1205-Yeckel	SB 1225-Bentley
SB 1206-Bentley and Stoll	SB 1226-Kennedy
SB 1207-Bentley	SB 1227-Rohrbach
SB 1208-Dougherty	SB 1228-Sims
SB 1209-Goode and Sims	SB 1229-Gibbons
SB 1210-Johnson	SB 1230-Gibbons
SB 1211-Coleman	SB 1231-Gibbons
SB 1212-Mathewson	SB 1232-Singleton
SB 1213-Mathewson	SB 1233-Yeckel
SB 1214-Westfall	SB 1234-Bland and Coleman
SB 1215-Bland, et al	SB 1235-Bland and Coleman
SB 1216-Bland	SJR 38-Cauthorn and Steelman
SB 1217-Coleman	SJR 39-Gross and House

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al	HB 1634-Hoppe
HS for HB 1399-Ransdall	HB 1342-Farnen
HCS for HB 1154	HB 1381-Luetkenhaus
HB 1519-Boucher	HB 1492-Seigfreid
HB 1192-Harding and Boucher	HB 1421-McKenna, et al
HB 1151-Smith	HB 1375-Luetkenhaus
HCS for HBs 1134, 1100 & 1559	HB 1495-Seigfreid
HCS for HB 1451	HB 1348-Meyers, et al
HCS for HB 1425	

THIRD READING OF SENATE BILLS

SCS for SB 722-Bentley	SS for SCS for SB 1009-Rohrbach
SB 856-Russell (In Budget Control)	SB 895-Yeckel and Gross

## SENATE BILLS FOR PERFECTION

- |   |   |
|---|---|
| <p>1. SBs 641 &amp; 705-Russell,<br/>et al, with SCS</p> <p>2. SBs 721, 757, 818 &amp;<br/>930-Westfall, with SCS</p> <p>3. SB 665-Kenney</p> <p>4. SB 836-Gross and<br/>Dougherty, with SCS</p> <p>5. SB 840-Gross and<br/>Russell, with SCS</p> <p>6. SB 740-Wiggins</p> <p>7. SB 687-Gibbons and Yeckel</p> <p>8. SB 959-Kenney and<br/>Kinder, with SCS</p> <p>9. SBs 817, 978 &amp; 700-<br/>Gross, with SCS</p> <p>10. SBs 837, 866, 972 &amp;<br/>990-Cauthorn, with SCS</p> <p>11. SBs 688, 663, 691, 716,<br/>759, 824 &amp; 955-Gibbons,<br/>et al, with SCS</p> <p>12. SBs 894, 975 &amp; 927-<br/>Kinder, with SCS</p> <p>13. SBs 670 &amp; 684-Sims, with SCS</p> <p>14. SB 1005-Loudon</p> <p>15. SBs 741, 929 &amp; 871-<br/>Wiggins, with SCS</p> <p>16. SBs 1061 &amp; 1062-<br/>Rohrbach and Kenney, with SCS</p> | <p>17. SBs 843 &amp; 658-Stoll,<br/>with SCS</p> <p>18. SB 647-Goode, with SCS</p> <p>19. SBs 969, 673 &amp; 855-<br/>Westfall and<br/>Bentley, with SCS</p> <p>20. SB 1059-Bentley, et al, with SCS</p> <p>21. SB 1052-Sims, with SCS</p> <p>22. SB 884-DePasco and<br/>Kenney, with SCS</p> <p>23. SBs 984 &amp; 985-<br/>Steelman, with SCS</p> <p>24. SB 1046-Gross and<br/>House, with SCS</p> <p>25. SB 1103-Westfall, et al</p> <p>26. SBs 915, 710 &amp; 907-<br/>Westfall, et al, with SCS</p> <p>27. SBs 923, 828, 876, 694<br/>&amp; 736-Sims, with SCS</p> <p>28. SB 676-Yeckel, et al,<br/>with SCS</p> <p>29. SB 900-Goode, et al,<br/>with SCS</p> <p>30. SB 1107-Childers,<br/>with SCS</p> <p>31. SB 912-Mathewson,<br/>with SCS</p> |
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## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

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|--|--|
| <p>SB 651-Singleton and<br/>Russell, with SCS (pending)</p> <p>SB 659-House and Kenney,<br/>with SS#2, SA 3 and<br/>SSA 1 for SA 3 (pending)</p> | <p>SB 660-Westfall, et al,<br/>with SCS (pending)</p> <p>SBs 662 &amp; 704-Westfall,<br/>with SCS &amp; SA 4 (pending)</p> |
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SB 668-Bentley, with SS & SA 1 (pending)  
SB 675-Yeckel, et al,  
with SCS  
SB 881-Steelmann and  
Yeckel, with SCS & SS  
for SCS (pending)  
SBs 958 & 657-Kinder,  
with SCS

SBs 970, 968, 921, 867,  
868 & 738-Westfall, et al,  
with SCS, SS for SCS,  
SS for SS for SCS & SA 5  
(pending)  
SJR 23-Singleton, with SS,  
SA 1 & SSA 1 for SA 1  
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

Unofficial

SB 995-Rohrbach

Reported 2/18

SB 642-Russell, with SCS

Reported 2/19

Bill

SB 1011-Caskey  
SB 786-Goode

SB 1015-Foster and  
Mathewson, with SCS

Reported 2/25

SB 714-Singleton  
SB 1024-Bentley, with SCS  
SB 976-Steelmann, et al  
SB 967-Kennedy, et al,  
with SCS  
SB 950-Gibbons and Klarich  
SB 960-Kenney, et al,  
with SCS

SB 966-Kennedy, with SCS  
SB 916-Dougherty, et al,  
with SCS  
SB 1094-Russell  
SB 834-Sims, with SCS  
SB 941-DePasco  
SB 1071-Klindt, with SCS

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Reported 2/26

SB 988-Caskey, with SCS  
SBs 1086 & 1126-DePasco,  
with SCS  
SB 1004-Loudon, with SCA 1  
SB 1106-Klarich, with SCS  
SB 962-Wiggins

SB 1078-Kennedy  
SB 1109-Yeckel  
SB 1132-Kennedy, with SCS  
SB 795-Schneider, with SCA 1  
SB 1113-Caskey, with SCS  
SB 1168-Russell

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SS#2 for SB 650-Singleton,  
with HCS

Unofficial

Requests to Recede or Grant Conference

HS for HCS for HBs 1037,  
1188, 1074 & 1271-  
Monaco & Hosmer, with  
SCS (Klarich)  
(House requests Senate  
recede or grant conference)

Bill

RESOLUTIONS

SR 1026-Jacob, with SA 1  
(pending)

SR 1028-Schneider  
SR 1123-Jacob

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To be Referred

SR 1122-Klindt

Reported from Committee

SR 1054-Singleton

