

Journal of the Senate

SECOND REGULAR SESSION

FORTY-FIRST DAY—TUESDAY, MARCH 19, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“God has called us to a share in his creative power, and our desire is an element in the creation of the world of tomorrow.” (J.H. Oldham)

Gracious Lord, so much of what we do today will not be of benefit to our people until some future time, so help us to discern the needs of today to direct our resources and laws for both a near future time and into that future some of us will not see. Bless our best efforts, O Lord, with Your spiritual presence and provide us with a vision into that “world of tomorrow.” In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Photographers from 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	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 Foster offered Senate Resolution No. 1268, regarding Travis Wayne Carihfield, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1269, regarding Danielle Cooper, Malden, which was adopted.

Senator Foster offered Senate Resolution No. 1270, regarding Bob Keathley, Bernie, which was adopted.

Senator Schneider offered Senate Resolution No. 1271, regarding Betsy Primo, Ballwin, which was adopted.

Senator Mathewson offered Senate Resolution No. 1272, regarding Phi Theta Kappa's All-Missouri Academic Team, which was adopted.

Senator Singleton moved that **SR 1054** be taken up for adoption, which motion prevailed.

On motion of Senator Singleton, **SR 1054** was adopted 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
Sims	Singleton	Staples	Steelman
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

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

THIRD READING OF SENATE BILLS

SB 980, with **SCS**, introduced by Senators Singleton and Schneider, entitled:

An Act to repeal section 334.540, RSMo, relating to the licensing of physical therapists, and to enact in lieu thereof one new section relating to the same subject.

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

SCS for **SB 980**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 980

An Act to repeal section 334.540, RSMo, relating to the licensing of physical therapists, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Singleton moved that **SCS** for **SB 980**

be adopted, which motion prevailed.

On motion of Senator Singleton, **SCS** for **SB 980** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
FosterGibbons	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		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 1028, introduced by Senator Russell, entitled:

An Act to repeal section 67.1866, RSMo, and to enact in lieu thereof one new section relating to law enforcement districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Russell, **SB 1028** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder

Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 817, SB 978** and **SB 700**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 817, 978** and **700**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 817, 978 and 700

An Act to repeal section 537.053, RSMo, relating to dram shop liability, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Gross moved that **SCS** for **SBs 817, 978** and **700** be adopted.

Senator Gross offered **SS** for **SCS** for **SBs 817, 978** and **700**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 817, 978 and 700

An Act to repeal section 537.053, RSMo, relating to dram shop liability, and to enact in lieu thereof one new section relating to the same subject.

Senator Gross moved that **SS** for **SCS** for **SBs 817, 978** and **700** be adopted.

Senator Klarich assumed the Chair.

Senator Schneider offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate

NAYS—Senators—None

Absent—Senators

Bland	Coleman	Staples—3
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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 Jacob moved that motion lay on the table, which motion prevailed.

SB 1143, introduced by Senator Jacob, entitled:

An Act to repeal section 108.240, RSMo, relating to duties of the state auditor, 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 Jacob, **SB 1143** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Rohrbach	Russell	Sims
Steelman	Stoll	Westfall	Wiggins—28

NAYS—Senators—None

Absent—Senators

Mathewson	Quick	Schneider	Singleton
Staples	Yeckel—6		

Committee Substitute for Senate Bills Nos. 817, 978 and 700, Page 1, Section A, Line 3, by inserting after all of said line the following:

“375.1730. Any insurance company which sells liability insurance which provides coverage for dram shop liability as described in section 537.053, RSMo, shall provide such coverage in a separate rider and charge a separate premium for such coverage. The rates for such insurance coverage shall be reviewed and approved by the director of the department of insurance.”; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Goode, Gross, Jacob and Steelman.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Bland	Caskey	Coleman	DePasco
Dougherty	Goode	Jacob	Mathewson
Schneider	Staples	Steelman—11	

NAYS—Senators

Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Rohrbach	Stoll
Westfall	Wiggins	Yeckel—19	

Absent—Senators

Quick	Russell	Sims	Singleton—4
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Absent with leave—Senators—None

President Maxwell assumed the Chair.

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 817, 978 and 700, Page 1, Section A, Line 3, by

inserting after all of said line the following:

“375.1730. Any insurance company which sells liability insurance which provides coverage for dram shop liability as described in section 537.053, RSMo, shall provide such coverage in a separate rider and charge a separate premium for such coverage. The rates for such insurance coverage shall be reviewed by the director of the department of insurance who shall obtain and maintain records of experience to evaluate the justification of the rates charged for such coverage.”; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

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

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

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 817, 978 and 700, Page 1, Section A, Line 3, by inserting after all of said line the following:

“375.1730. Any insurance company that sells liability insurance which provides coverage for dram shop liability as described in section 537.053, RSMo, shall report all costs associated with such coverages to the department of insurance. The rates for such coverage shall be governed pursuant to section 379.889, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above substitute amendment be adopted.

At the request of Senator Gross, **SB 817**, **SB 978** and **SB 700**, with **SCS**, **SS** for **SCS**, **SA 2** and **SSA 1** for **SA 2** (pending), were placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1043**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1246**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 739**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SBs 741, 929 and 871**, 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.

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
March 18, 2002

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:

Diana L. Gray, M.D., 1619 Missouri Avenue, St. Louis City, Missouri 63104, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2004, and until her successor is duly appointed and qualified; vice, James Crane, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 18, 2002

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:

Dennis D. Martin, 900 Main Street, Tarkio, Atchison County, Missouri 64491, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2004, 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
March 18, 2002

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:

Brenda D. Newberry, Republican, 4 Chauser Drive, St. Peters, St. Charles County, Missouri 63376, as a member of the Missouri Minority Business Advocacy Commission, for a term ending September 2, 2004, and until her successor is duly appointed and qualified; vice, Homer Cavitte, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 18, 2002

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:

Pier C. Patterson, Democrat, 7638 Rosedale Drive, St. Louis, St. Louis County, Missouri 63121, as a member of the Missouri Ethics Commission, for a term ending March 15, 2006, and until her successor is duly appointed and qualified; vice, Carl Greenwall, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 18, 2002

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 E. Templeton, 1375 US Highway 65, Buffalo, Dallas County, Missouri 65622, as a member of the Personnel Advisory Board, for a term ending July 31, 2006, and until his successor is duly appointed and qualified; vice, Jerry Gladden, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 18, 2002

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:

Mariann Tow, Republican, 4307 Red Bridge Road, Kansas City, Jackson County, Missouri 64137, as a member of the Missouri Ethics Commission, for a term ending March 15, 2006, and until her

successor is duly appointed and qualified; vice, Donald Gann, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

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.

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

THIRD READING OF SENATE BILLS

SB 1007, with **SCS**, introduced by Senator Stoll, entitled:

An Act to repeal sections 327.011, 327.031, and 327.081, RSMo, and to enact in lieu thereof three new sections relating to the professional board of architects, engineers, land surveyors and landscape architects.

Was called from the Consent Calendar and taken up.

SCS for **SB 1007**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1007**

An Act to repeal sections 327.011, 327.031, 327.081, 327.401 and 327.411, RSMo, relating to the board of architects, engineers, surveyors and landscape architects, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Stoll moved that **SCS** for **SB 1007** be adopted.

At the request of Senator Stoll, the above motion was withdrawn, which placed the bill back on the Calendar.

SB 1210, with **SCS**, introduced by Senator

Johnson, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to sales taxes for the promotion of tourism.

Was called from the Consent Calendar and taken up.

SCS for SB 1210, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1210

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to sales taxes for the promotion of tourism and convention facilities.

Was taken up.

Senator Johnson moved that SCS for SB 1210 be adopted, which motion prevailed.

On motion of Senator Johnson, SCS for SB 1210 was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland	Coleman	Russell—3
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Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

Senator Gross moved that SB 817, SB 978, and SB 700, with SCS, SS for SCS, SA 2 and SSA 1 for SA 2 (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SSA 1 for SA 2 was again taken up.

At the request of Senator Gross, the above substitute amendment was withdrawn.

SA 2 was again taken up.

At the request of Senator Schneider, the above amendment was withdrawn.

Senator Gross offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 817, 978 and 700, Page 1, Section A, Line 3, by inserting after all of said line the following:

“375.1730. Any insurance company that sells liability insurance which provides coverage for dram shop liability as described in section 537.053, RSMo, shall report all costs associated with such coverages to the department of insurance. The rates for such coverage shall be governed pursuant to section 379.889, RSMo.”; and

Further amend the title and enacting clause accordingly.

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

Senator Caskey offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 817, 978 and 700, Page 3, Section 537.053, Line 15, by inserting after all of said line the following:

“7. All sellers and servers of intoxicating liquor shall receive appropriate training, which is recognized by the division of liquor control, in order to recognize visibly intoxicated persons.”.

Senator Caskey moved that the above amendment be adopted.

Senator Caskey offered **SSA 1** for **SA 4**:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 4**

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 817, 978 and 700, Page 3, Section 537.053, Line 15, by inserting after all of said line the following:

“7. All sellers and servers of intoxicating liquor shall receive appropriate training in order to recognize a visibly intoxicated person. The division of liquor control will approve such training. No employer may discharge his or her employee for refusing service to a visibly intoxicated person.”.

Senator Caskey moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Goode, Kennedy, Sims and Steelman.

SSA 1 for **SA 4** failed of adoption by the following vote:

YEAS—Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Goode	Jacob
Johnson	Kennedy	Klarich	Mathewson
Quick	Schneider	Steelman	Stoll—16

NAYS—Senators

Bentley	Coleman	Foster	Gibbons
Gross	House	Kenney	Kinder
Klindt	Loudon	Rohrbach	Russell
Sims	Singleton	Westfall	Wiggins
Yeckel—17			

Absent—Senator Staples—1

Absent with leave—Senators—None

SA 4 was again taken up.

At the request of Senator Caskey, **SA 4** was withdrawn.

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

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 817, 978 and 700, Page 3, Section 537.053, Line 15, by inserting after all of said line the following:

“7. No employer may discharge his or her employee for refusing service to a visibly intoxicated person.”.

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

Senator Steelman offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 817, 978 and 700, Page 2, Section 537.053, Lines 13-14 of said page, by striking the words “clear and convincing” and inserting in lieu thereof the following: **“preponderance of the”**; and further amend line 16 of said page, by inserting after the word “or” the following: **“by clear and convincing evidence that the seller”**.

Senator Steelman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bentley, Bland, Caskey and Childers.

SA 6 failed of adoption by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Childers
Coleman	Johnson	Schneider	Steelman—8

NAYS—Senators

Cauthorn	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Sims	Singleton

Stoll Wiggins Yeckel—23

Absent—Senators

Quick Staples Westfall—3

Absent with leave—Senators—None

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

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 817, 978 and 700, Page 3, Section 537.053, Line 15, by inserting after all of said line:

“7. All servers of intoxicating liquor by the drink shall receive training to recognize visibly intoxicated persons.”.

Senator Caskey moved that the above amendment be adopted.

Senator Schneider offered **SA 1** to **SA 7**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 7

Amend Senate Amendment No. 7 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 817, 978 and 700, by inserting after “receive” and before “Training” the words “reasonably adequate” and inserting after “Training” the words “within industry standards”.

Senator Schneider moved that the above amendment be adopted.

President Maxwell assumed the Chair.

At the request of Senator Schneider, **SA 1** to **SA 7** was withdrawn.

SA 7 was again taken up.

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

Senator Gross moved that **SS** for **SCS** for **SBs 817, 978 and 700**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross **SS** for **SCS** for **SBs 817, 978 and 700**, as amended, was declared perfected and ordered printed.

Senator Cauthorn moved that **SB 837, SB 866, SB 972 and SB 990**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 837, 866, 972 and 990**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 837, 866, 972 and 990

An Act to repeal sections 263.531, 348.430, 348.432 and 414.032, RSMo, relating to agriculturally-based fuels, and to enact in lieu thereof five new sections relating to the same subject.

Was taken up.

Senator Cauthorn moved that **SCS** for **SBs 837, 866, 972 and 990** be adopted.

Senator Cauthorn offered **SS** for **SCS** for **SBs 837, 866, 972 and 990**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 837, 866, 972 and 990

An Act to repeal sections 348.430, 348.432 and 414.032, RSMo, relating to agriculturally-based fuels, and to enact in lieu thereof four new sections relating to the same subject.

Senator Cauthorn moved that **SS** for **SCS** for **SBs 837, 866, 972 and 990** be adopted.

Senator Klarich offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 837, 866, 972 and 990, Page 12, Section 414.032, Line 23 of said page, by inserting after the end of said line:

“Section 1. Sixty days after the effective date of the nationwide ban of methyl Tertiary-Butyl Ether (MTBE) by the federal government, MTBE shall not be added as an oxygenate to

any fuel sold in Missouri. However, in any event, fuel containing MTBE shall not be sold in Missouri after July 31, 2004.”; and

Further amend the title and enacting clause accordingly.

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

Senator Cauthorn offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 837, 866, 972 and 990, Page 12, Section 414.032, Line 8, of said page, by inserting after the word “additive” the following: “**or at least one percent oxygenate by weight**”; and further amend lines 11 to 14 of said page, by striking said lines and inserting in lieu thereof the following:

“3. [All sellers of motor fuel which has been blended with at least one percent oxygenate by weight shall notify the buyer at the pump of the type of oxygenate.] The”.

Senate Cauthorn moved that the above amendment be adopted.

President Pro Tem Kinder assumed the Chair.

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

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

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 837, 866, 972 and 990, Page 12, Section 414.032, Lines 1-23, by deleting all of said section; and

Further amend title and enacting clause accordingly.

Senator Singleton moved that the above substitute amendment be adopted.

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

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

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 837, 866, 972 and 990, adding at the end of said amendment, the following:

“and further amend page 12, section 414.032, line 23, by adding the following:

“Section 2. Any fuel additive or oxygenate known to be a carcinogen shall be labeled as such.”; and

Further amend title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted.

At the request of Senator Cauthorn, **SB 837**, **SB 866**, **SB 972** and **SB 990**, with **SCS**, **SS** for **SCS**, **SA 2**, **SSA 1** for **SA 2** and **SA 1** to **SSA 1** for **SA 2** (pending), were placed on the Informal Calendar.

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SB 840** to the Committee on State Budget Control.

President Pro Tem Kinder referred the Gubernatorial Appointments appearing on pages 598 and 599, to the Committee on Gubernatorial Appointments.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 740**; **SCS** for **SBs 1061** and **1062**; and **SS** for **SCS** for **SBs 843** and **658**, begs leave to

report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **SB 740** to the Committee on State Budget Control.

RESOLUTIONS

Senators Staples and Stoll offered Senate Resolution No. 1273, regarding Jack B. Lawson, Bonne Terre, which was adopted.

Senator Bentley offered Senate Resolution No. 1274, regarding Dustin Wayne Brandhorst, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1275, regarding Sue Schuble, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1276, regarding Dan Kinney, Springfield, which was adopted.

Senator Bentley offered Senate Resolution No. 1277, regarding James H. Cooper, Springfield, which was adopted.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

March 14, 2002

The Honorable Bob Holden
Governor of Missouri
State Capitol, Room 216
Jefferson City, MO 65101

RE: Appointment to the Missouri State Public Employees Deferred Compensation Commission

Dear Governor Holden:

Pursuant to Section 105.910 (RSMo 2000), I am appointing Senator Mike Gibbons (Republican), State Capitol, Room 226, Jefferson City, Missouri 65101 to serve on the Missouri State Public Employees Deferred Compensation Commission. Mike is an outstanding senator and will be an excellent representative for all state employees on this commission.

If you have any questions or require any further information, please feel free to contact me at your earliest convenience.

Sincerely,
/s/ Peter Kinder
PETER D. KINDER
President Pro-Tem

Senator Jacob submitted the following:

March 19, 2002

Terry L. Spieler
Secretary of the Senate
State Capitol, Room 325
Jefferson City, MO 65101

**Re: SCS/SB 1130 (Consent Calendar, Reported 3/13/02)
Written Objection Pursuant to Senate Rule 45**

Dear Terry:

By this letter and by separate letter delivered this date, I hereby file written objection to the "consent" status of SCS/SB 1130 and direct that said bill be returned to the Senate Judiciary Committee, pursuant to Senate Rule 45.

Thank you for your attention to this matter.

Sincerely,
/s/ Ken Jacob
Senator Ken Jacob

INTRODUCTIONS OF GUESTS

Senator Rohrbach introduced to the Senate, Ken Holman, Jefferson City.

Senator Jacob introduced to the Senate, Mrs. Dalene DeLong, Ms. Laura Fehling and fourth grade students from Mill Creek Elementary School, Columbia; and Kathryn Cunningham, Mike Donnell, Robert Foster and Jessica Rogers were made honorary pages.

Senator Gross introduced to the Senate, his mother, Margaret Gross; and Carol Emison, St. Charles.

Senator Singleton introduced to the Senate, Ronnie Hendry, Brad Toler, Scott Ketchum, Stacy Alexander, Wesley Carrillo, Scott Spencer, Natalie Cook, Codi Busse and Sarah Craker from Missouri Southern State College, Joplin.

Senator Johnson introduced to the Senate, Ben Lyles, Sedalia.

Senator Klindt introduced to the Senate, Mr. Greg Frost, Steven Meixner, Michael O'Neal,

Tony Solocio, Roger Cain, Leanna Eklof, Andrea Brown, Casey L. Campbell, Elizabeth Sahlberg, Angel Shupley and Cailin Dixon, Cainsville School, Cainsville.

Senator Bentley introduced to the Senate, Gregory Cecil, Columbia.

Senator Stoll introduced to the Senate, Hans Dambeck, Lisa Kraemer and Mirjam Baumert, Germany; Thais Vasco, Brazil; and Donna Boulicault, Arnold.

Senator Bland introduced to the Senate, Norma Collins, Lois Fitzpatrick and representatives of Grandparent Outreach from around the state.

Senator Bentley introduced to the Senate, Mike and Nancy White, Cynthia and Natalie Crise and Martha Crise, Springfield; and Natalie was made an honorary page.

Senator Klarich introduced to the Senate, Elizabeth, Matthew, Rachel and Susan Hellmann, Maryn Struckhoff, Brenda Williams, Ann Armstrong, Joe Leesmann, Michael Lutz and Jacquelyn Rice, Washington; and Sarah Heitzmann, Olivia Griffin and Dixie Griffin, Union.

Senator Schneider introduced to the Senate, Cindy Gauthier and fourth grade students from Halls Ferry Elementary School, North County St. Louis; and Danny Dougherty, Nate Lee, Lorenzo Parks and Terra Troll were made honorary pages.

On behalf of Senator House and himself, Senator Gross introduced to the Senate, Ruth Bruns, Pamela Kraemer and Brenda Durrwachter, St. Charles.

Senator Foster introduced to the Senate, Kody Okenfuss, Fisk; and Kody was made an honorary page.

On behalf of Senator Bland and himself, Senator Wiggins introduced to the Senate, Dr. Bernard Taylor, Jr., Kansas City.

Senator Cauthorn introduced to the Senate, Brenda Matheny, Mary Ann Singleton and 17 fourth grade students from Adair County R-I, Novinger.

Senator Yeckel introduced to the Senate, Earl and Steve Ogolin, St. Louis.

Senator Kennedy introduced to the Senate, 30 eighth grade students from St. Mary Magdalen School, St. Louis; and Michael Avalos and Gen Friedmann were made honorary pages.

Senator Kennedy introduced to the Senate, Nina Pilger and Charles Waalkes, St. Louis.

On behalf of Senator Klarich, the President introduced to the Senate, Joy Gerstein, Washington; and JoAnn Breckenridge, St. Louis County.

Senator Kinder introduced to the Senate, members of the Missouri Federation of Republican Women from around the state.

Senator Quick introduced to the Senate, Jim Chappel, North Kansas City.

Senator Kenney introduced to the Senate, Emily Pratt, Lee's Summit.

Senator Sims introduced to the Senate, Kayla Marlene Lightfoot, Bridgeton.

Senator Gross introduced to the Senate, Monica Durrwachter, St. Peters.

On behalf of Senator Russell and herself, Senator Steelman introduced to the Senate, Heather Morris, Mountain Grove.

Senator Yeckel introduced to the Senate, Sarah M. Douglas, Kirkwood.

Senator Westfall introduced to the Senate, Daberath McGinnis, Bolivar.

Senator Bentley introduced to the Senate, Melissa Banning, Lawson.

Senator Dougherty introduced to the Senate, Bill Hodge, Becky Creel and ninth grade students from Tower Grove Christian School, St. Louis.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Hal Williamson, M.D., Columbia.

Senator Mathewson introduced to the Senate, 20 eighth and ninth grade students from

Northwestern R-I School, Mendon.

Senator House introduced to the Senate, his daughter, Catherine, St. Charles.

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

SENATE CALENDAR

FORTY-SECOND DAY-WEDNESDAY, MARCH 20, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1248-Mathewson and Kenney

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al
HS for HB 1399-Ransdall
HCS for HB 1154
HB 1519-Boucher
HB 1192-Harding and Boucher
HB 1151-Smith
HCS for HBs 1134, 1100 & 1559
HCS for HB 1451
HCS for HB 1425
HB 1634-Hoppe
HB 1342-Farnen
HB 1381-Luetkenhaus
HB 1492-Seigfreid
HB 1421-McKenna, et al
HB 1375-Luetkenhaus
HB 1495-Seigfreid
HB 1348-Meyers, et al
HCS for HBs 1150, 1237 & 1327
HCS for HB 1711

HCS for HB 1398
HS for HB 1498-Johnson (90th)
HB 1432-Foley
HB 1477-Farnen
HB 1668-Holt, et al
HB 1446-Luetkenhaus
HB 1078-Whorton, et al
HB 1468-Ward
HB 1086-Harlan
HB 1406-Barnett
HB 1672-Gambaro, et al
HB 1581-Clayton
HB 1418-Relford, et al
HCS for HB 1765
HS for HCS for HB 1906-Green (73rd)
HCS for HB 1817
HS for HCS for HB 1877-Foley

THIRD READING OF SENATE BILLS

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|---|---|
| <ol style="list-style-type: none"> 1. SS for SS for SCS for SBs 970, 968, 921, 867, 868 & 738-Westfall
(In Budget Control) 2. SCS for SBs 721, 757, 818 & 930-Westfall
(In Budget Control) 3. SS for SB 665-Kenney 4. SS for SB 687-Gibbons and Yeckel 5. SCS for SB 836-Gross and Dougherty 6. SS for SCS for SB 840-Gross
(In Budget Control) | <ol style="list-style-type: none"> 7. SS for SCS for SB 959-Kenney and Kinder 8. SCS for SBs 741, 929 & 871-Wiggins 9. SB 740-Wiggins
(In Budget Control) 10. SCS for SBs 1061 & 1062-Rohrbach and Kenney 11. SS for SCS for SBs 843 & 658-Stoll |
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Unofficial
SENATE BILLS FOR PERFECTION

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| <ol style="list-style-type: none"> 1. SB 1059-Bentley, et al, with SCS 2. SB 1052-Sims, with SCS 3. SB 884-DePasco and Kenney, with SCS 4. SBs 984 & 985-Steelman, with SCS 5. SB 1046-Gross and House, with SCS 6. SB 1103-Westfall, et al 7. SBs 915, 710 & 907-Westfall, et al, with SCS 8. SBs 923, 828, 876, 694 & 736-Sims, with SCS 9. SB 676-Yeckel, et al, with SCS 10. SB 900-Goode, et al, with SCS 11. SB 1107-Childers, with SCS 12. SB 912-Mathewson, with SCS | <ol style="list-style-type: none"> 13. SB 892-Kenney, with SCS 14. SB 910-Gibbons 15. SB 1104-Mathewson 16. SB 954-Loudon, with SCS 17. SB 1014-Klindt and Kinder 18. SB 1152-Klarich, with SCS 19. SBs 766, 1120 & 1121-Steelman, with SCS 20. SB 926-Kenney, et al, with SCS 21. SB 1140-Rohrbach 22. SBs 1112 & 854-Caskey and Russell, with SCS 23. SB 1111-Quick, with SCS 24. SB 689-Gibbons, et al, with SCS 25. SB 938-Cauthorn, et al 26. SB 1087-Gibbons, et al, with SCS 27. SBs 1279, 1162 & 1164-Kinder and Wiggins, with SCS |
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INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al, with SCS (pending)
 SB 647-Goode, with SCS
 SB 651-Singleton and Russell, with SCS (pending)
 SB 659-House and Kenney, with SS#2, SA 3 and SSA 1 for SA 3 (pending)
 SB 660-Westfall, et al, with SCS (pending)
 SBs 662 & 704-Westfall, with SCS & SA 4 (pending)
 SB 668-Bentley, with SS & SA 1 (pending)
 SBs 670 & 684-Sims, with SCS
 SBs 688, 663, 691, 716, 759, 824 & 955-Gibbons, et al, with SCS

SBs 837, 866, 972 & 990-Cauthorn, with SCS, SS for SCS, SA 2, SSA 1 for SA 2 & SA 1 to SSA 1 for SA 2 (pending)
 SB 881-Steelman and Yeckel, with SCS & SS for SCS (pending)
 SBs 894, 975 & 927-Kinder, with SCS
 SBs 958 & 657-Kinder, with SCS
 SBs 969, 673 & 855-Westfall and Bentley, with SCS, SS for SCS & SA 1 (pending)
 SB 1005-Loudon
 SJR 23-Singleton, with SS, SA 1 & SSA 1 for SA 1 (pending)

Journal
 CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

Copy

Reported 3/5

SB 1007-Stoll, with SCS

SB 1186-Kenney

Reported 3/11

SB 874-Bentley, with SCS
 SB 947-Klindt and Stoll, with SCS
 SB 1199-Foster

SB 1070-Gibbons, with SCS
 SB 1039-DePasco

Reported 3/12

SB 1163-Steelman, with SCS
SB 1243-Johnson

SB 1124-Dougherty

Reported 3/13

SB 1137-Bentley, with SCS
SB 1227-Rohrbach, with SCS
SB 1244-Bland, et al
SB 1259-Loudon, with SCS
SB 1258-Loudon, with SCS
SB 732-Bland, with SCS
SB 1217-Coleman
SB 1212-Mathewson, with SCS

SB 680-Bland, with SCS
SB 1207-Bentley, with SCS
SB 1220-Sims
SB 1247-Quick
SB 957-Loudon, et al, with SCS
SB 1202-Westfall, with SCS
SB 1093-Loudon, with SCS
SB 1213-Mathewson

Reported 3/14

SB 1182-Singleton, with SCS
SBs 1241, 1253 & 1189-
Coleman and Bland, with SCS
SB 1251-Gibbons, with SCA 1

SB 1269-Cauthorn
SB 1119-Johnson
SB 1203-Yeckel, with SCS

RESOLUTIONS

SR 1026-Jacob, with SA 1
(pending)

SR 1028-Schneider

Reported from Committee

SCR 51-Mathewson and
Yeckel, with SCA 1

SCR 41-Rohrbach
SR 1109-Caskey

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