

# Journal of the Senate

SECOND REGULAR SESSION

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FIFTY-FOURTH DAY—TUESDAY, APRIL 16, 2002

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The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

“Sometimes God must sit back and let us try to work it out so that when we ask his assistance we will better understand the miracle he performs for us.” (Carl D. Windsor)

Gracious God, we are sometimes very slow to come to You for help and often it is after we have tried so hard to do things on our own and failed that we recognize the help we need that only You can provide. So be with us this day and hear our prayer for Your presence and guidance in all we do this day. 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, KOMU-TV, KMIZ-TV and JCHS Red and Black 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 Klarich offered Senate Resolution No. 1486, regarding Lyn Brunner, Washington, which was adopted.

Senator Childers offered Senate Resolution No. 1487, regarding Jan Kirsch, Kimberling City, which was adopted.

Senator Childers offered Senate Resolution No. 1488, regarding Barbara Anglum, Kimberling City, which was adopted.

Senator Childers offered Senate Resolution No. 1489, regarding Mariann Bruckner, Branson, which was adopted.

Senator House offered Senate Resolution No.

1490, regarding Brian Malone, which was adopted.

Senator Jacob offered Senate Resolution No. 1491, regarding The Staff for Life Helicopter Service, Columbia, which was adopted.

**SENATE BILLS FOR PERFECTION**

Senator Yeckel moved that **SB 676**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 676**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 676**

An Act to repeal sections 42.170, 42.175, 42.185 and 313.835, RSMo, relating to veterans, and to enact in lieu thereof four new sections relating to the same subject, with an expiration date for a certain section.

Was taken up.

Senator Yeckel moved that **SCS** for **SB 676** be adopted.

At the request of Senator Yeckel, **SB 676**, with **SCS** (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE GOVERNOR**

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

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 16, 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:

Marilyn K. Bush, 7910 Grantwood Cove Lane, St. Louis, St. Louis County, Missouri 63123, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2006, and until her successor is duly appointed and qualified; vice, Ann Dickinson, term expired.

Respectfully submitted,  
**BOB HOLDEN**  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 16, 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:

Tina A. Odo, Republican, 19242 Saint Albans Valley Drive, Glencoe, St. Louis County, Missouri 63038, as a member of the Missouri Public Entity Risk Management Board of Trustees, for a term ending July 15, 2003, and until her successor is duly appointed and qualified; vice, John Wild, term expired.

Respectfully submitted,  
**BOB HOLDEN**  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 16, 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:

Jun Oizumi, M.D., Ph.D., 4476 Greenwich Court C2, St. Louis, St. Louis County, Missouri 63108, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2003, and until his successor is duly appointed and qualified; vice, Helmut Haibach, term expired.

Respectfully submitted,  
**BOB HOLDEN**  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 16, 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:

Javier M. Perez, Jr., 923 West 33rd Street, Kansas City, Jackson County, Missouri 64111, as a member of the Board of Police Commissioners for Kansas City, for a term ending March 7,

2005, and until his successor is duly appointed and qualified; vice, Joseph Mulvihill, resigned.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
April 16, 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:

Glennon Polete, Republican, 717 Valley Brook Drive, Farmington, St. Francois County, Missouri 63640, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2003, and until his successor is duly appointed and qualified; vice, Linda Blake Seillers, term expired.

Respectfully submitted,  
BOB HOLDEN  
Governor

President Pro Tem Kinder referred the above appointments 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 1005**; **SCS** for **SBs 662** and **704**; **SS No. 2** for **SCS** for **SBs 984** and **985**; and **SCS** for **SBs 958** and **657**, 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.

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

**RECESS**

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

**RESOLUTIONS**

Senator Gross offered Senate Resolution No. 1492, regarding Dorthella "Pete" McPhail, St. Peters, which was adopted.

Senator Yeckel offered Senate Resolution No. 1493, regarding the United States Seagoing Marine Association, which was adopted.

Senator Yeckel offered Senate Resolution No. 1494, regarding Brett Stephen Callies, St. Louis County, which was adopted.

Senator Yeckel offered Senate Resolution No. 1495, regarding the Sappington-Concord Historical Society, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1496, regarding John C. Hilton, Lebanon, which was adopted.

Senator Yeckel offered Senate Resolution No. 1497, regarding David C. Weidler, Oakville, which was adopted.

Senator Sims offered Senate Resolution No. 1498, regarding the Honorable Samuel J. Hais, Associate Circuit Judge in the 21st Judicial Circuit, St. Louis County, which was adopted.

**THIRD READING OF SENATE BILLS**

**SS** for **SCS** for **SB 884**, introduced by Senator DePasco, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 884

An Act to repeal section 408.500, RSMo, and to enact in lieu thereof three new sections relating to restrictions on payday loans, with penalty provisions.

Was taken up.

On motion of Senator DePasco, **SS** for **SCS** for **SB 884** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Steelman
Westfall	Wiggins	Yeckel—27	

## NAYS—Senators—None

## Absent—Senators

Bland	Coleman	Jacob	Schneider
Singleton	Staples	Stoll—7	

## Absent with leave—Senators—None

The President declared the bill passed.

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

Senator DePasco 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 Goode moved that **SB 900**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS for SB 900**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 900

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to aggregate purchase of natural gas by school districts, with an emergency clause.

Was taken up.

Senator Goode moved that **SCS for SB 900** be adopted.

Senator Goode offered **SS for SCS for**

**SB 900**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 900

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to aggregate purchase of natural gas by eligible school entities, with an emergency clause.

Senator Goode moved that **SS for SCS for SB 900** be adopted.

Senator Gibbons assumed the Chair.

Senate Bland offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 900, Page 1, Section A, by inserting after all of said section the following:

**“393.143. Notwithstanding any provisions of sections 393.130 and 393.140 to the contrary, the commission shall have the authority and discretion for good cause shown, upon notice and after an on-the-record hearing, unless waived, to direct that sums representing unauthorized use charges, penalties, or refunds from interstate or intrastate pipeline, including interest on such sums, received by a gas corporation, as well as any penalties resulting from the violation of a gas corporation's tariffs, be allocated among ratepayers in such manner as the commission finds to be in the public interest.”; and**

Further amend the title and enacting clause accordingly.

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

President Maxwell assumed the Chair.

President Pro Tem Kinder assumed the Chair.

Senator Goode moved that **SS for SCS for SB 900**, as amended, be adopted, which motion

prevailed.

On motion of Senator Goode, **SS** for **SCS** for **SB 900**, as amended, was declared perfected and ordered printed.

Senator Yeckel moved that **SB 676**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SCS** for **SB 676** was again taken up.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 676, Page 10, Section 313.835, Line 233, by striking the word "2007" and inserting in lieu thereof "2006".

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

Senator Yeckel moved that **SCS** for **SB 676**, as amended, be adopted, which motion prevailed.

Senator DePasco requested a roll call vote be taken on the perfection of **SCS** for **SB 676**, as amended, and was joined in his request by Senators House, Loudon, Singleton and Stoll.

**SCS** for **SB 676**, as amended, was declared perfected and ordered printed by the following vote:

YEAS—Senators

Caskey	Cauthorn	Childers	Coleman
Foster	Gibbons	Goode	Gross
Kenney	Kinder	Klindt	Loudon
Mathewson	Rohrbach	Russell	Steelman
Stoll	Yeckel—18		

NAYS—Senators

Bentley	DePasco	Dougherty	House
Jacob	Johnson	Kennedy	Klarich
Quick	Schneider	Sims	Singleton
Westfall	Wiggins—14		

Absent—Senators

Bland Staples—2

Absent with leave—Senators—None

Senator Childers moved that **SB 1107**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 1107**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1107

An Act to repeal sections 190.050, 190.092, 190.094, 190.100, 190.105, 190.108, 190.109, 190.120, 190.142, 190.143, 190.160, 190.165, 190.171, 190.175, 190.185 and 190.196, RSMo, relating to provisions of emergency medical services, and to enact in lieu thereof twenty-six new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Childers moved that **SCS** for **SB 1107** be adopted.

Senator Childers offered **SS** for **SCS** for **SB 1107**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1107

An Act to repeal sections 190.044, 190.050, 190.092, 190.094, 190.100, 190.105, 190.108, 190.109, 190.120, 190.142, 190.143, 190.160, 190.165, 190.171, 190.175, 190.185 and 190.196, RSMo, relating to provisions of emergency services, and to enact in lieu thereof twenty-nine new sections relating to the same subject, with penalty provisions.

Senator Childers moved that **SS** for **SCS** for **SB 1107** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107,

Page 43, Section 190.528, Lines 2-25, by striking all of said lines; and

Further amend by renumbering the remaining subsections accordingly.

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

Senator Rohrbach offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Page 50, Section 190.537, Line 15 of said page, by inserting after all of said line the following:

“321.130. 1. A person, to be qualified to serve as a director, shall be a voter of the district at least two years [prior to his] **before the** election or appointment and be over the age of twenty-five years; except as provided in subsections 2 and 3 of this section. Nominations and declarations of candidacy shall be filed at the headquarters of the fire protection district by paying a ten dollar filing fee and filing a statement under oath that such person possesses the required qualifications.

2. In any fire protection district located in more than one county one of which is a first class county without a charter form of government having a population of more than one hundred ninety-eight thousand and not adjoining any other first class county or located wholly within a first class county as described herein, a resident shall have been a resident of the district for more than one year to be qualified to serve as a director.

3. In any fire protection district located in a county of the third or fourth classification, a person to be qualified to serve as a director shall be over the age of twenty-five years and shall be a voter of the [county in which the] district [is located] for more than two years [prior to his] **before the** election or appointment, except that for the first board of directors in such district, a person need only be a voter of the [county in which the] district [is located] for one year [prior to his] **before the**

election or appointment.

4. A person desiring to become a candidate for the first board of directors of the proposed district shall pay the sum of five dollars as a filing fee to the treasurer of the county and shall file with the election authority a statement under oath that [he] **such person** possesses all of the qualifications set out in this chapter for a director of a fire protection district. Thereafter, such candidate shall have [his] **the candidate's** name placed on the ballot as a candidate for director.”; and

Further amend the title and enacting clause accordingly.

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

Senator Rohrbach offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Page 44, Section 190.528, Line 9, by deleting the words “admission or” on said line.

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

Senator Loudon assumed the Chair.

Senator Singleton offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Page 31, Section 190.142, Line 12, by deleting the “; and” and further amend said page and section, line 14 by deleting “period” on said line and adding “; and” and further add the following:

**(3) In an emergency situation providing pre-hospital care, or during continued emergency care in a health care facility, notwithstanding other provisions of law.**

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

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

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Pages 49-50, Section 190.534, Lines 27-29 on Page 49 and Lines 1-3 on Page 50 by deleting said lines.

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

Senator Singleton offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Page 19, Section 190.100, Line 11 of said page, by inserting after all of said line the following:

“190.101. 1. There is hereby established a “State Advisory Council on Emergency Medical Services” which shall consist of fifteen members. The members of the council shall be appointed by the governor with the advice and consent of the senate and shall serve terms of four years. The governor shall designate one of the members as chairperson. The chairperson may appoint subcommittees that include noncouncil members.

2. The state EMS medical directors advisory committee and the regional EMS advisory committees will be recognized as subcommittees of the state advisory council on emergency medical services.

3. The council shall have geographical representation and representation from appropriate areas of expertise in emergency medical services including volunteers, professional organizations involved in emergency medical services, EMT's, paramedics, nurses, firefighters, **air ambulance**, physicians, ambulance service administrators, hospital administrators and other health care providers concerned with emergency medical services. The regional EMS advisory committees shall serve as a resource for the identification of potential members of the state advisory council on emergency medical services.

4. The members of the council and subcommittees shall serve without compensation except that the department of health and senior services shall budget for reasonable travel expenses and meeting expenses related to the functions of the council.

5. The purpose of the council is to make recommendations to the governor, the general assembly, and the department on policies, plans, procedures and proposed regulations on how to improve the statewide emergency medical services system. The council shall advise the governor, the general assembly, and the department on all aspects of the emergency medical services system.

190.102. 1. The department shall designate through regulation EMS regions and committees. The purpose of the regional EMS advisory committees is to advise and make recommendations to the region and the department on:

- (1) Coordination of emergency resources in the region;
- (2) Improvement of public and professional education;
- (3) Cooperative research endeavors;
- (4) Development of standards, protocols and policies; and
- (5) Voluntary multiagency quality improvement committee and process.

2. The members of the committees shall serve without compensation except that the department of health and senior services shall budget for reasonable travel expenses and meeting expenses related to the functions of the committees.

3. The director will appoint personnel to no less than six regional EMS committees from recommendations provided by recognized professional organizations. Appointments will be for four years with individuals serving until reappointed or replaced. **At least one member of each regional EMS committee shall be**

associated with an air ambulance service, which is accredited by a nationally recognized air ambulance accrediting organization.”; and

Further amend said bill, page 24, Section 190.108, line 19 of said page, by inserting immediately after said line the following:

“5. Prior to the first day of January of the year 2003, and every five years thereafter, the department shall, by rule and regulation, adopt standards which substantially include the criteria which the department determines is relevant for the following topics: general standards including capabilities and resources of the service, medical personnel, medical director, medical control physician, clinical care supervisor, staffing and physical requirements, mission types, initial and continuing education, aircraft or ambulance section, medical configurations, operational issues, equipment, communications, management and administration, management or policies, quality management, safety committee and infection control; rotorwing standards including FAA certificate, aircraft, weather and weather minimums, pilot staffing and training, maintenance, helipad, refueling and community outreach; fixed wing standards including FAA certificate, aircraft, weather, weather, pilot staffing and training, policies, maintenance, refueling and community outreach; and ground interfacility standards including vehicles, qualifications of drivers, maintenance and sanitation, mechanic and policies. Said organization or organizations shall evaluate compliance with accreditations standards in order to determine the accredited program's ability to deliver services of a specific quality. Said organization or organizations shall serve no less than twenty-five percent of the air ambulance services of the United States which are nationally accredited. No air ambulance provider shall be eligible for or receive Medicaid reimbursement, unless it has received

or renewed an air ambulance license.”; and further amend line 20 of said page, by striking “5.” and inserting in lieu thereof the following: “7. By rule and regulation, the department shall determine what provisions of sections 190.001 to 190.245 are substantially met by accreditation pursuant to subsections 5 and 6 of this section and waive said provisions for accredited air ambulance providers.”; and

Further amend said bill, page 30, Section 190.120, line 7 of said page, by inserting immediately after said line the following:

“5. Each licensed air ambulance provider shall carry a minimum of twenty million dollars in general liability insurance.

190.122. All aircraft used for air ambulance service and all personnel providing air ambulance services shall comply with all the requirements to provide advanced life support level of care.”; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Gibbons offered SSA 1 for SA 6:

SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1107, Page 19, Section 190.100, Line 11 of said page, by inserting after all of said line the following:

“190.101. 1. There is hereby established a “State Advisory Council on Emergency Medical Services” which shall consist of fifteen members. The members of the council shall be appointed by the governor with the advice and consent of the senate and shall serve terms of four years. The governor shall designate one of the members as chairperson. The chairperson may appoint subcommittees that include noncouncil members.



2. The state EMS medical directors advisory committee and the regional EMS advisory committees will be recognized as subcommittees of the state advisory council on emergency medical services.

3. The council shall have geographical representation and representation from appropriate areas of expertise in emergency medical services including volunteers, professional organizations involved in emergency medical services, EMT's, paramedics, nurses, firefighters, **air ambulance**, physicians, ambulance service administrators, hospital administrators and other health care providers concerned with emergency medical services. The regional EMS advisory committees shall serve as a resource for the identification of potential members of the state advisory council on emergency medical services.

4. The members of the council and subcommittees shall serve without compensation except that the department of health and senior services shall budget for reasonable travel expenses and meeting expenses related to the functions of the council.

5. The purpose of the council is to make recommendations to the governor, the general assembly, and the department on policies, plans, procedures and proposed regulations on how to improve the statewide emergency medical services system. The council shall advise the governor, the general assembly, and the department on all aspects of the emergency medical services system.

190.102. 1. The department shall designate through regulation EMS regions and committees. The purpose of the regional EMS advisory committees is to advise and make recommendations to the region and the department on:

(1) Coordination of emergency resources in the region;

(2) Improvement of public and professional education;

(3) Cooperative research endeavors;

(4) Development of standards, protocols and policies; and

(5) Voluntary multiagency quality improvement committee and process.

2. The members of the committees shall serve without compensation except that the department of health and senior services shall budget for reasonable travel expenses and meeting expenses related to the functions of the committees.

3. The director will appoint personnel to no less than six regional EMS committees from recommendations provided by recognized professional organizations. Appointments will be for four years with individuals serving until reappointed or replaced. **At least one member of each regional EMS committee shall be associated with an air ambulance service, which is accredited by a nationally recognized air ambulance accrediting organization.**"; and

Further amend said bill, page 24, Section 190.108, line 19 of said page, by inserting immediately after said line the following:

**"5. Prior to the first day of January of the year 2003, and every five years thereafter, the department shall, by rule and regulation, select one or more nationally recognized aeromedical transport accreditation organizations, the purpose of which is to improve the quality of patient care and safety of medical transport services. Said organization or organizations shall have accreditation standards which substantially include the criteria which the department determines is relevant for the following topics: general standards including capabilities and resources of the service, medical personnel, medical director, medical control physician, clinical care supervisor, staffing and physical requirements, mission types, initial and continuing education, aircraft or ambulance section, medical configurations, operational issues, equipment, communications,**

management and administration, management or policies, quality management, safety committee and infection control; rotorwing standards including FAA certificate, aircraft, weather and weather minimums, pilot staffing and training, maintenance, helipad, refueling and community outreach; fixed wing standards including FAA certificate, aircraft, weather, pilot staffing and training, policies, maintenance, refueling and community outreach; and ground interfacility standards including vehicles, qualifications of drivers, maintenance and sanitation, mechanic and policies. Said organization or organizations shall evaluate compliance with accreditations standards in order to determine the accredited program's ability to deliver services of a specific quality. Said organization or organizations shall serve no less than twenty-five percent of the air ambulance services of the United States which are nationally accredited.

6. By rule and regulation, the department shall determine reasonably expeditious criterion that shall not exceed two years, for air ambulance services to demonstrate that they are seeking accreditation by the selected nationally recognized aeromedical transport accreditation organization or organizations. After the first day of June of the year 2003, no air ambulance provider shall be eligible for or receive Medicaid reimbursement, receive or renew an air ambulance license unless it has demonstrated to the department that it is accredited or has formally applied for accreditation by a select nationally recognized aeromedical transport accreditation organization or organizations.”; and further amend line 20 of said page, by striking “5.” and inserting in lieu thereof the following: “7. By rule and regulation, the department shall determine what provisions of sections 190.001 to 190.245 are substantially met by accreditation pursuant to subsections 5 and 6 of this section and waive said provisions for accredited air ambulance

providers.”; and

Further amend said bill, page 30, Section 190.120, line 7 of said page, by inserting immediately after said line the following:

“5. Each licensed air ambulance provider shall carry a minimum of twenty million dollars in general liability insurance, which shall include coverage for damage to building caused by the impact of an aircraft.

190.122. All aircraft used for air ambulance service and all personnel providing air ambulance services shall comply with all the requirements to provide advanced life support level of care.”; and

Further amend the title and enacting clause accordingly.

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

Senator Childers moved that SS for SCS for SB 1107, as amended, be adopted, which motion prevailed.

On motion of Senator Childers, SS for SCS for SB 1107, as amended, was declared perfected and ordered printed.

SB 912, with SCS, was placed on the Informal Calendar.

Senator Mathewson moved that SB 912, with SCS, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for SB 912, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 912

An Act to repeal section 311.178, RSMo, relating to liquor licenses, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Mathewson moved that SCS for SB 912 be adopted.

Senator Mathewson offered **SS** for **SCS** for **SB 912**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 912

An Act to repeal section 311.178, RSMo, relating to liquor licenses, and to enact in lieu thereof one new section relating to the same subject.

Senator Mathewson moved that **SS** for **SCS** for **SB 912** be adopted.

Senator Singleton assumed the Chair.

Senator Mathewson offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 912, Page 1, Section A, Line 3, by inserting after all of said line the following:

“311.070. 1. Distillers, wholesalers, winemakers, brewers or their employees, officers or agents, shall not, except as provided in this section, directly or indirectly, have any financial interest in the retail business for sale of intoxicating liquors, and shall not, except as provided in this section, directly or indirectly, loan, give away or furnish equipment, money, credit or property of any kind, except ordinary commercial credit for liquors sold to such retail dealers. However, notwithstanding any other provision of this chapter to the contrary, for the purpose of the promotion of tourism, a distiller whose manufacturing establishment is located within this state may apply for and the supervisor of liquor control may issue a license to sell intoxicating liquor, as in this chapter defined, by the drink at retail for consumption on the premises where sold; and provided further that the premises so licensed shall be in close proximity to the distillery and may remain open between the hours of 6:00 a.m. and midnight, Monday through Saturday and between the hours of 11:00 a.m. and 9:00 p.m., Sunday. The authority for the collection of fees by cities and

counties as provided in section 311.220, and all other laws and regulations relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to the holder of a license issued under the provisions of this section in the same manner as they apply to establishments licensed under the provisions of section 311.085, 311.090, or 311.095.

2. Any distiller, wholesaler, winemaker or brewer who shall violate the provisions of subsection 1 of this section, or permit his employees, officers or agents to do so, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as follows:

(1) For the first offense, by a fine of one thousand dollars;

(2) For a second offense, by a fine of five thousand dollars; and

(3) For a third or subsequent offense, by a fine of ten thousand dollars or the license of such person shall be revoked.

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

(1) “Consumer advertising specialties”, advertising items that are designed to be carried away by the consumer, such items include, but are not limited to: trading stamps, nonalcoholic mixers, pouring racks, ash trays, bottle or can openers, cork screws, shopping bags, matches, printed recipes, pamphlets, cards, leaflets, blotters, postcards, pencils, shirts, caps and visors;

(2) “Equipment and supplies”, glassware (or similar containers made of other material), dispensing accessories, carbon dioxide (and other gasses used in dispensing equipment) or ice. “Dispensing accessories” include standards, faucets, cold plates, rods, vents, taps, tap standards, hoses, washers, couplings, gas gauges, vent tongues, shanks, and check valves;

(3) “Point of sale advertising materials”, advertising items designed to be used within a

retail business establishment to attract consumer attention to the products of a distiller, wholesaler, winemaker or brewer. Such materials include, but are not limited to: posters, placards, designs, inside signs (electric, mechanical or otherwise), window decorations, trays, coasters, mats, menu cards, meal checks, paper napkins, foam scrapers, back bar mats, thermometers, clocks, calendars and alcoholic beverage lists or menus;

(4) “Product display”, wine racks, bins, barrels, casks, shelving or similar items the primary function of which is to hold and display consumer products;

(5) “Promotion”, an advertising and publicity campaign to further the acceptance and sale of the merchandise or products of a distiller, wholesaler, winemaker or brewer.

4. Notwithstanding other provisions contained herein, the distiller, wholesaler, winemaker or brewer, or their employees, officers or agents may engage in the following activities with a retail licensee licensed pursuant to this chapter or chapter 312, RSMo:

(1) The distiller, wholesaler, winemaker or brewer may give or sell product displays to a retail business if all of the following requirements are met:

(a) The total value of all product displays given or sold to a retail business shall not exceed three hundred dollars per brand at any one time in any one retail outlet. There shall be no combining or pooling of the three hundred dollar limits to provide a retail business a product display in excess of three hundred dollars per brand. The value of a product display is the actual cost to the distiller, wholesaler, winemaker or brewer who initially purchased such product display. Transportation and installation costs shall be excluded;

(b) All product displays shall bear in a conspicuous manner substantial advertising matter on the product or the name of the distiller,

wholesaler, winemaker or brewer. The name and address of the retail business may appear on the product displays; and

(c) The giving or selling of product displays may be conditioned on the purchase of intoxicating beverages advertised on the displays by the retail business in a quantity necessary for the initial completion of the product display. No other condition shall be imposed by the distiller, wholesaler, winemaker or brewer on the retail business in order for such retail business to obtain the product display;

(2) Notwithstanding any provision of law to the contrary, the distiller, wholesaler, winemaker or brewer may give or sell any point of sale advertising materials and consumer advertising specialties to a retail business if all the following requirements are met:

(a) The total value of all point of sale advertising materials and consumer advertising specialties given or sold to a retail business shall not exceed five hundred dollars per year, per brand, per retail outlet. The value of point-of-sale advertising materials and consumer advertising specialties is the actual cost to the distiller, wholesaler, winemaker or brewer who initially purchased such item. Transportation and installation costs shall be excluded;

(b) All point-of-sale advertising materials and consumer advertising specialties shall bear in a conspicuous manner substantial advertising matter about the product or the name of the distiller, wholesaler, winemaker or brewer. The name, address and logos of the retail business may appear on the point-of-sale advertising materials or the consumer advertising specialties; and

(c) The distiller, wholesaler, winemaker or brewer shall not directly or indirectly pay or credit the retail business for using or distributing the point-of-sale advertising materials or consumer advertising specialties or for any incidental expenses arising from their use or distribution;

(3) A malt beverage wholesaler or brewer may give a gift not to exceed a value of one thousand dollars per year, or sell something of value to a holder of a temporary permit as defined in section 311.482;

(4) The distiller, wholesaler, winemaker or brewer may sell equipment or supplies to a retail business if all the following requirements are met:

(a) The equipment and supplies shall be sold at a price not less than the cost to the distiller, wholesaler, winemaker or brewer who initially purchased such equipment and supplies; and

(b) The price charged for the equipment and supplies shall be collected in accordance with credit regulations as established in the code of state regulations;

(5) The distiller, wholesaler, winemaker or brewer may install dispensing accessories at the retail business establishment, which shall include for the purposes of intoxicating and nonintoxicating beer equipment to properly preserve and serve draught beer only and to facilitate the delivery to the retailer the brewers and wholesalers may lend, give, rent or sell and they may install or repair any of the following items or render to retail licensees any of the following services: beer coils and coil cleaning, sleeves and wrappings, box couplings and draft arms, beer faucets and tap markers, beer and air hose, taps, vents and washers, gauges and regulators, beer and air distributors, beer line insulation, coil flush hose, couplings and bucket pumps; portable coil boxes, air pumps, blankets or other coverings for temporary wrappings of barrels, coil box overflow pipes, tilting platforms, bumper boards, skids, cellar ladders and ramps, angle irons, ice box grates, floor runways; and damage caused by any beer delivery excluding normal wear and tear and a complete record of equipment furnished and installed and repairs and service made or rendered must be kept by the brewer or wholesalers furnishing, making or rendering same for a period of not less than one year;

(6) The distiller, wholesaler, winemaker or brewer may furnish, give or sell coil cleaning service to a retailer of distilled spirits, wine or malt beverages;

(7) A wholesaler of intoxicating liquor may furnish or give and a retailer may accept a sample of distilled spirits or wine as long as the retailer has not previously purchased the brand from that wholesaler, if all the following requirements are met:

(a) The wholesaler may furnish or give not more than seven hundred fifty milliliters of any brand of distilled spirits and not more than seven hundred fifty milliliters of any brand of wine; if a particular product is not available in a size within the quantity limitations of this subsection, a wholesaler may furnish or give to a retailer the next larger size;

(b) The wholesaler shall keep a record of the name of the retailer and the quantity of each brand furnished or given to such retailer;

(c) For the purposes of this subsection, no samples of intoxicating liquor provided to retailers shall be consumed on the premises nor shall any sample of intoxicating liquor be opened on the premises of the retailer except as provided by the retail license;

(d) For the purpose of this subsection, the word "brand" refers to differences in brand name of product or differences in nature of product; examples of different brands would be products having a difference in: brand name; class, type or kind designation; appellation of origin (wine); viticulture area (wine); vintage date (wine); age (distilled spirits); or proof (distilled spirits); differences in packaging such a different style, type, size of container, or differences in color or design of a label are not considered different brands;

(8) The distiller, wholesaler, winemaker or brewer may package and distribute intoxicating beverages in combination with other nonalcoholic

items as originally packaged by the supplier for sale ultimately to consumers; notwithstanding any provision of law to the contrary, for the purpose of this subsection, intoxicating liquor and wine wholesalers are not required to charge for nonalcoholic items any more than the actual cost of purchasing such nonalcoholic items from the supplier;

(9) The distiller, wholesaler, winemaker or brewer may sell or give the retail business newspaper cuts, mats or engraved blocks for use in the advertisements of the retail business;

(10) The distiller, wholesaler, winemaker or brewer may in an advertisement list the names and addresses of two or more unaffiliated retail businesses selling its product if all of the following requirements are met:

(a) The advertisement shall not contain the retail price of the product;

(b) The listing of the retail businesses shall be the only reference to such retail businesses in the advertisement;

(c) The listing of the retail businesses shall be relatively inconspicuous in relation to the advertisement as a whole; and

(d) The advertisement shall not refer only to one retail business or only to a retail business controlled directly or indirectly by the same retail business;

(11) Notwithstanding any other provision of law to the contrary, distillers, winemakers, wholesalers, brewers or retailers may conduct a local or national sweepstakes/contest upon a licensed retail premise. However, no money or something of value may be given to the retailer for the privilege or opportunity of conducting the sweepstakes or contest;

(12) The distiller, wholesaler, winemaker or brewer may stock, rotate, rearrange or reset the products sold by such distiller, wholesaler, winemaker or brewer at the establishment of the

retail business so long as the products of any other distiller, wholesaler, winemaker or brewer are not altered or disturbed;

(13) The distiller, wholesaler, winemaker or brewer may provide a recommended shelf plan or shelf schematic for distilled spirits, wine or malt beverages;

(14) The distiller, wholesaler, winemaker or brewer participating in the activities of a retail business association may do any of the following:

(a) Display its products at a convention or trade show;

(b) Rent display booth space if the rental fee is the same paid by all others renting similar space at the association activity;

(c) Provide its own hospitality which is independent from the association activity;

(d) Purchase tickets to functions and pay registration fees if such purchase or payment is the same as that paid by all attendees, participants or exhibitors at the association activity; and

(e) Make payments for advertisements in programs or brochures issued by retail business associations at a convention or trade show if the total payments made for all such advertisements do not exceed three hundred dollars per year for any retail business association;

(15) The distiller, wholesaler, winemaker or brewer may sell its other merchandise which does not consist of intoxicating beverages to a retail business if the following requirements are met:

(a) The distiller, wholesaler, winemaker or brewer shall also be in business as a bona fide producer or vendor of such merchandise;

(b) The merchandise shall be sold at its fair market value;

(c) The merchandise is not sold in combination with distilled spirits, wines or malt beverages except as provided in this section;

(d) The acquisition or production costs of the

merchandise shall appear on the purchase invoices or records of the distiller, wholesaler, winemaker or brewer; and

(e) The individual selling prices of merchandise and intoxicating beverages sold to a retail business in a single transaction shall be determined by commercial documents covering the sales transaction;

(16) The distiller, wholesaler, winemaker or brewer may sell or give an outside sign to a retail business if the following requirements are met:

(a) The sign shall bear in a conspicuous manner substantial advertising matter about the product or the name of the distiller, wholesaler, winemaker or brewer;

(b) The retail business shall not be compensated, directly or indirectly, for displaying the sign; and

(c) The cost of the sign shall not exceed four hundred dollars;

(17) A wholesaler may, but shall not be required to, exchange for an equal quantity of identical product or allow credit against outstanding indebtedness for intoxicating liquor with alcohol content of less than five percent by weight or nonintoxicating beer that was delivered in a damaged condition or damaged while in the possession of the retailer;

(18) To assure and control product quality, wholesalers at the time of a regular delivery may, but shall not be required to, withdraw, with the permission of the retailer, a quantity of intoxicating liquor with alcohol content of less than five percent by weight or nonintoxicating beer in its undamaged original carton from the retailer's stock, if the wholesaler replaces the product with an equal quantity of identical product;

(19) In addition to withdrawals authorized pursuant to subdivision (18) of this subsection, to assure and control product quality, wholesalers at the time of a regular delivery may, but shall not be

required to, withdraw, with the permission of the retailer, a quantity of intoxicating liquor with alcohol content of less than five percent by weight and nonintoxicating beer in its undamaged original carton from the retailer's stock and give the retailer credit against outstanding indebtedness for the product if:

(a) The product is withdrawn at least thirty days after initial delivery and within twenty-one days of the date considered by the manufacturer of the product to be the date the product becomes inappropriate for sale to a consumer; and

(b) The quantity of product withdrawn does not exceed the equivalent of twenty-five cases of twenty-four twelve-ounce containers; and

**(c) To assure and control product quality, a wholesaler may, but not be required to, give a retailer credit for intoxicating liquor with an alcohol content of less than five percent by weight or nonintoxicating beer, in a container with a capacity of four gallons or more, delivered but not used, if the wholesaler removes the product within seven days of the initial delivery; and**

(20) Nothing in this section authorizes consignment sales.

5. All contracts entered into between distillers, brewers and winemakers, or their officers or directors, in any way concerning any of their products, obligating such retail dealers to buy or sell only the products of any such distillers, brewers or winemakers or obligating such retail dealers to buy or sell the major part of such products required by such retail vendors from any such distiller, brewer or winemaker, shall be void and unenforceable in any court in this state.

6. Notwithstanding any other provisions of this chapter to the contrary, a distiller or wholesaler may install dispensing accessories at the retail business establishment, which shall include for the purposes of distilled spirits, equipment to properly preserve and serve premixed distilled spirit

beverages only. To facilitate delivery to the retailer, the distiller or wholesaler may lend, give, rent or sell and the distiller or wholesaler may install or repair any of the following items or render to retail licensees any of the following services: coils and coil cleaning, draft arms, faucets and tap markers, taps, tap standards, tapping heads, hoses, valves and other minor tapping equipment components, and damage caused by any delivery excluding normal wear and tear. A complete record of equipment furnished and installed and repairs or service made or rendered shall be kept by the distiller or wholesaler, furnishing, making or rendering the same for a period of not less than one year.

7. Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the contrary, distillers, winemakers, brewers or their employees, or officers shall be permitted to make contributions of money or merchandise to a licensed retail liquor dealer that is a charitable or religious organization as defined in section 313.005, RSMo, or an educational institution if such contributions are unrelated to such organization's retail operations.

8. Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the contrary, a brewer or manufacturer, its employees, officers or agents may have a financial interest in the retail business for sale of intoxicating liquors and nonintoxicating beer at entertainment facilities owned, in whole or in part, by the brewer or manufacturer, its subsidiaries or affiliates including, but not limited to, arenas and stadiums used primarily for concerts, shows and sporting events of all kinds.

9. Notwithstanding any other provision of this chapter or chapter 312, RSMo, to the contrary, for the purpose of the promotion of tourism, a wine manufacturer, its employees, officers or agents located within this state may apply for and the supervisor of liquor control may issue a license to sell intoxicating liquor, as defined in this chapter, by the drink at retail for consumption on the

premises where sold, if the premises so licensed is in close proximity to the winery. Such premises may remain open between the hours of 6:00 a.m. and midnight, Monday through Saturday and between the hours of 11:00 a.m. and 9:00 p.m., Sunday.”; and

Further amend said bill, section 311.178, page 4, line 13, by inserting after all of said line the following:

“311.680. 1. Whenever it shall be shown, or whenever the supervisor of liquor control has knowledge, that a person licensed hereunder has not at all times kept an orderly place or house, or has violated any of the provisions of this chapter, the supervisor of liquor control may, warn, place on probation on such terms and conditions as the supervisor of liquor control deems appropriate for a period not to exceed twelve months, suspend or revoke the license of that person, but the person shall have ten days' notice of the application to warn, place on probation, suspend or revoke the person's license prior to the order of warning, probation, revocation or suspension issuing.

2. Any wholesaler licensed pursuant to this chapter or chapter 312, RSMo, in lieu of, or in addition to, the warning, probation, suspension or revocation authorized in subsection 1 of this section, may be assessed a civil penalty by the supervisor of liquor control of not less than one hundred dollars or more than twenty-five hundred dollars for each violation.

**3. Any solicitor licensed pursuant to this chapter or chapter 312, RSMo, in lieu of the suspension or revocation authorized in subsection 1 of this section, may be assessed a civil penalty or fine by the supervisor of liquor control of not less than one hundred dollars nor more than five thousand dollars for each violation.**

**4. Any retailer with less than five thousand occupant capacity licensed pursuant to this chapter or chapter 312, RSMo, in lieu of the**



suspension or revocation authorized by subsection 1 of this section may be assessed a civil penalty or fine by the supervisor of liquor control of not less than fifty dollars nor more than one thousand dollars for each violation.

5. Any retailer with five thousand or more occupant capacity licensed pursuant to this chapter or chapter 312, RSMo, in lieu of the suspension or revocation authorized by subsection 1 of this section, may be assessed a civil penalty or fine by the supervisor of liquor control of not less than fifty dollars nor more than five thousand dollars for each violation.

6. Any aggrieved person may appeal to the administrative hearing commission in accordance with section 311.691.

7. In order to encourage the early resolution of disputes between the supervisor of liquor control and licensees, the supervisor of liquor control, prior to issuing an order of warning, probation, revocation, suspension, or fine, shall provide the licensee with the opportunity to meet or to confer with the supervisor of liquor control, or his or her designee, concerning the alleged violations. At least ten days prior to such meeting or conference, the supervisor shall provide the licensee with notice of the time and place of such meeting or conference, and the supervisor of liquor control shall also provide the licensee with a written description of the specific conduct for which discipline is sought, a citation of the law or rules allegedly violated, and, upon request, copies of any violation report or any other documents which are the basis for such action. Any order of warning, probation, revocation, suspension, or fine shall be effective no sooner than thirty days from the date of such order.”; and

Further amend the title and enacting clause accordingly.

Senator Mathewson moved that the above

amendment be adopted, which motion prevailed.

President Maxwell assumed the Chair.

Senator Loudon offered SA 2, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 912, Page 1, Section 311.178, Line 12, of said page by inserting after the word “day” the following: “; provided that any such permit holder shall stop selling intoxicating liquor by the drink at retail at 1:00 a.m.”.

Senator Loudon moved that the above amendment be adopted.

At the request of Senator Loudon, SA 2 was withdrawn.

Senator Sims offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 912, Page 4, Section 311.178, Line 13 by inserting after all of said line, the following:

“311.481. 1. Notwithstanding any other provisions of this chapter to the contrary, any person who possesses the qualifications required by this chapter, and who now or hereafter meets the requirements of and complies with the provisions of this chapter, may apply for, and the supervisor of liquor control may issue, a license to sell intoxicating liquor, as defined in this chapter, by the drink between the hours of 11:00 a.m. on Sunday and midnight on Sunday at retail for consumption on the premises of any airline club as described in the application. As used in this section, the term “airline club” shall mean an establishment located within an international airport and owned, leased, or operated by or on behalf of an airline, as a membership club and special services facility for passengers of such airline.

2. The authority for the collection of fees by

**cities and counties as provided in section 311.220, and all other laws and regulations of the state relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to each airline club in the same manner as they apply to establishments licensed pursuant to sections 311.085, 311.090 and 311.095, and in addition to all other fees required by law, a person licensed pursuant to this section shall pay an additional fee of two hundred dollars a year payable at the same time and in the same manner as its other fees; except that the requirements other than fees pertaining to the sale of liquor by the drink on Sunday shall not apply.**

Section B. Because immediate action is necessary to clarify the law relating to Sunday liquor sales in airline clubs, Section 311.481 is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.”; and

Further amend title and enacting clause accordingly.

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

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

#### SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 912, Page 4, Section 311.178, Line 13, by adding:

Section 1. No entity licensed pursuant to this chapter shall allow any gambling games known as keno or any similar game.”; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

At the request of Senator Mathewson, **SB 912**, with **SCS, SS** for **SCS** and **SA 4** (pending), was placed on the Informal Calendar.

Senator Kenney moved that **SB 892**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 892**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 892

An Act to repeal sections 214.270 and 214.387, RSMo, relating to cemeteries, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Kenney moved that **SCS** for **SB 892** be adopted, which motion prevailed.

On motion of Senator Kenney, **SCS** for **SB 892** was declared perfected and ordered printed.

**SB 910** was placed on the Informal Calendar.

Senator Mathewson moved that **SB 1104** be taken up for perfection, which motion prevailed.

On motion of Senator Mathewson, **SB 1104** was declared perfected and ordered printed.

#### CONCURRENT RESOLUTIONS

Senator Loudon offered the following concurrent resolution:

#### SENATE CONCURRENT RESOLUTION NO. 65

WHEREAS, the September 11, 2001, terrorist attacks have had a substantial impact on the American economy; and

WHEREAS, insurers estimate that their losses from the attacks could reach \$70 billion; and

WHEREAS, insurance coverage on the World Trade Center and the businesses in and around the Trade Center were multi-layered, and will affect insurers of all kinds, including: property-casualty, liability, workers' compensation, business interruption, life, health and reinsurance; and

WHEREAS, insurers are concerned that they cannot adequately or accurately price insurance coverage for future catastrophes resulting from terrorism; and

WHEREAS, reinsurers are already notifying their customers that they will no longer cover terrorism risk, and primary carriers are notifying state insurance regulators that they intend to seek exclusions of terrorism coverage in their contracts with policyholders; and

WHEREAS, without adequate insurance coverage, banks may be unwilling to extend loans for commercial transactions, such as mortgages, construction projects and other capital-intensive programs; and

WHEREAS, the inability of the insurance industry to cover losses from future terrorist activities may require action by the federal government; and

WHEREAS, a federal backstop would assure an available and affordable insurance market America's consumers and businesses in these challenging times; and

WHEREAS, a federal backstop program would help to eliminate market constriction and prohibitively high prices, would facilitate insurance transactions necessary for commerce, and would assure the broad-based ability of families and businesses to recover from future incidences of terrorism;

WHEREAS, without a backstop, a limited availability of insurance against terrorism would have a severe adverse effect on our country's economy as financiers would be reluctant to lend, businesses would be reluctant to invest, and consumers would be unable to afford insurance:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge the members of Congress to provide for a limited and temporary backstop for insurance against terrorism; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for each member of Missouri's Congressional Delegation.

Senator Loudon offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 66

An act by concurrent resolution to conduct a study of pathological or serious problem gambling and problem gambling in this state.

WHEREAS, gambling in its many forms is now an established aspect of life in this state; and

WHEREAS, gambling creates an unknown number of Missouri citizens that can be considered pathological or serious problem gamblers and problem gamblers; and

WHEREAS, pathological or serious problem gamblers and

problem gamblers constitute an unknown cost to the state and its political subdivisions in terms of crime, bankruptcy, other bad debts, prosecution costs and social services costs; and

WHEREAS, pathological or serious problem gamblers and problem gamblers also negatively impact their families, their communities and the business community of this state; and

WHEREAS, a comprehensive legal and factual study is needed to determine the true impact of pathological or serious problem gamblers and problem gamblers in this state; and

WHEREAS, the universities of this state have the personnel with both the academic and professional expertise to conduct a comprehensive legal and factual study of pathological or serious problem gamblers and problem gamblers in this state:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby direct the joint committee on wagering and gaming ("committee") to solicit competitive bids from the universities of this state to conduct a comprehensive legal and factual study of pathological or serious problem gambling and problem gambling in this state; and

BE IT FURTHER RESOLVED that the General Assembly directs the committee to select the university that submits the best and lowest bid, with primary consideration given to the institution that best demonstrates the ability to answer the study questions outlined below and possesses the economists and social scientists with the highest academic and professional qualifications and demonstrates the greatest capability to deliver the best data in response to the study questions; and

BE IT FURTHER RESOLVED that the General Assembly directs that the selected university shall conduct a comprehensive study of the economic and social impact of pathological or serious problem gambling and problem gambling in this state. The study shall include a review of existing policies and practices with respect to the prevention and treatment of pathological or serious problem gambling and problem gambling and the formulation and proposal of necessary and appropriate changes in those policies and practices; and

BE IT FURTHER RESOLVED that the General Assembly directs all state agencies to cooperate with the selected university in any attempts to obtain information regarding any aspect or effect of pathological or serious problem gambling and problem gambling; and

BE IT FURTHER RESOLVED that the General Assembly directs the selected university to answer the following study questions:

- (1) The economic impact of pathological or serious problem

gambling on the economy of the state of Missouri, on Missouri businesses and on the political subdivisions of this state including, but not limited to:

(a) An assessment of the percentage of residents of this state that are pathological or serious problem gamblers;

(b) The percentage of the Missouri population that are problem gamblers; and

(c) A determination of how much money an individual pathological or serious problem gambler costs society each year in terms of crimes, bankruptcy, other bad debts, prosecution and incarceration costs and other social service costs; and the total amount of money lost annually by pathological or serious problem gamblers in this state;

(2) The economic impact of pathological or serious problem gambling on other businesses, including at least theft and decreased revenues resulting in part or in whole from the shifting of disposable income to gambling outlets and the decrease in general revenues to the state reflected in these decreased revenues;

(3) An assessment of the relationship between pathological or problem gambling and crime;

(4) An assessment of the impact of pathological or serious problem gambling on individuals, families, social institutions, criminal activity, and the economy;

(5) A review of the demographics of pathological or serious problem gamblers; and

(6) A review of the costs and effectiveness of state and federal gambling regulatory policy; and

BE IT FURTHER RESOLVED that the General Assembly directs the selected university to complete its study and submit its final report to the Governor and the General Assembly not later than January 31, 2004, which report shall contain a detailed statement of the findings and conclusions of the university with its recommendations for legislation and administrative actions as the university deems appropriate; and

BE IT FURTHER RESOLVED that the General Assembly directs that the director of the department within the university that supervises and administers the conduct of the study may hold hearings, administer oaths, take testimony, receive evidence, and require by subpoena the attendance and testimony of witnesses and the production of materials as the director considers advisable to carry out the purposes of the study and may employ and terminate additional staff as necessary to carry out the study; and

BE IT FURTHER RESOLVED that the General Assembly directs that any subpoena of the director shall be served in the manner provided for a subpoena issued by a circuit court pursuant to Missouri rules of civil procedure; and

BE IT FURTHER RESOLVED that upon the request of the director, the General Assembly directs the head of any state agency to furnish the director with the information considered necessary by the director to carry out the study; and

BE IT FURTHER RESOLVED that the General Assembly may appropriate up to two hundred thousand dollars to the selected university to fund the study; and

BE IT FURTHER RESOLVED that the General Assembly directs that any money appropriated to the selected university to carry out the study which remains unused as of January 1, 2005 shall be transferred and placed to the credit of the state general revenue fund pursuant to section 33.080, RSMo; and

BE IT FURTHER RESOLVED that a properly inscribed copy of this resolution be sent to the Governor for his approval or rejection pursuant to the Article III, Section 31 of the Missouri Constitution.

Read 1st time.

## REFERRALS

President Pro Tem Kinder referred **SCS for SBs 662 and 704** and **SS No. 2** for **SCS for SBs 984 and 985** to the Committee on State Budget Control.

## RESOLUTIONS

Senators Yeckel, House, Klarich, Wiggins, Dougherty, Kennedy, Loudon, Sims, Gross, Gibbons, Schneider and Coleman offered Senate Resolution No. 1499, regarding Our Lady's Inn, St. Louis, which was adopted.

Senators Yeckel, House, Klarich, Wiggins, Dougherty, Kennedy, Loudon, Sims, Gross, Gibbons, Schneider and Coleman offered Senate Resolution No. 1500, regarding Gloria F. Lee, St. Louis, which was adopted.

Senator Quick offered Senate Resolution No. 1501, regarding Scott Matthew Williams, Liberty, which was adopted.

## COMMUNICATIONS

Senator Foster submitted the following:

April 16, 2002

Terry Spieler  
Secretary of the Senate  
State Capitol Building  
Jefferson City, MO 65101

Dear Terry:

Pursuant to Senate Rule 45, I hereby request that HB 2087 be removed from the consent calendar and returned to committee.

I feel this bill is controversial in nature. If you have any questions, please contact me.

Most Sincerely,

/s/ Bill Foster

Senator Bill Foster

Senator Jacob submitted the following:

April 16, 2002

Senator Peter Kinder  
Senate Pro Tem  
State Capitol, Room 326  
Jefferson City, MO 65101

Senator Bill Kenney  
Majority Floor Leader & Senate  
Sponsor  
State Capitol, Room 323  
Jefferson City, MO 65101

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

**RE: SCS/HB 1446 (Consent Calendar, Reported 04/15/02)**

**Written Objection Pursuant to Senate Rule 45**

Senators Kinder & Kenney, Secretary Spieler:

I hereby file written objection to the "consent" status of SCS/HB 1446 and direct that said bill be returned to the Senate Insurance & Housing Committee, pursuant to Senate Rule 45.

Thank you for your attention to this matter.

Sincerely,

/s/ Ken Jacob

Senator Ken Jacob

## INTRODUCTIONS OF GUESTS

On behalf of Senator Wiggins and himself, Senator Kenney introduced to the Senate, Jennifer Sargent, Grandview.

Senator Russell introduced to the Senate, his wife, Margaret; and Rae Ann Graven and Bonnie Holt, Lebanon.

Senator Kinder introduced to the Senate, Courtney Paul, New Hamburg.

Senator Cauthorn introduced to the Senate, Betsy Daniel, Dade County.

Senator Caskey introduced to the Senate, Katie Gross, Centerview; and Ms. Joni Shelton.

Senator Klindt introduced to the Senate, Naomi Goodseal, Grandview; and Kamille Burrell, Gallatin.

Senator Steelman introduced to the Senate, Amy Brandt, Chamois.

Senator Mathewson introduced to the Senate, Emily Gebhardt, Salisbury.

Senator Staples introduced to the Senate, Adrienne Masters, Ste. Genevieve.

On behalf of Senator Singleton and himself, Senator Westfall introduced to the Senate, Katie Kuhl, Pierce City.

Senator Wiggins introduced to the Senate, Emiesha Burris, Rochelle Koerselman and Cheryl Landers, Grandview.

Senator Kinder introduced to the Senate, Anthony Ramirez and 40 Hispanic leaders from across the state representing Hispanic Day at the Capitol.

Senator Rohrbach introduced to the Senate, Mandy Whitson, Tipton.

On behalf of Senator Klarich, the President introduced to the Senate, Kimberly Williams and her parents, Cathy and Ron Williams, Lyn and Kevin Brunner, Emily Hook, and her parents, Julie and Fred Hook, Michelle Bobo, Marilyn Struckhoff, Jacqueline Miller and Carolyn Sansone-Webb, Washington; and Kimberly and Emily were made honorary pages.

On behalf of Senator Klarich, the President introduced to the Senate, Ryan Brown, Eureka.

Senator Singleton introduced to the Senate, Amanda Rosenow, Goodman.

Senator Yeckel introduced to the Senate, Lorraine Constantine and Gerry Gilberg, St. Louis.

Senator Schneider introduced to the Senate, students from Commons Lane Elementary, North County St. Louis; and Jacob Overstreet, Erin

Whitley, Brianna Skinner and Nicholas Lawshe were made honorary pages.

Senator Yeckel introduced to the Senate, Violet Corbett, Donna Sisk, Lydia Haseskamp, Carolyn Sansone-Webb, Tane' Burris, JoAnne Breckenridge, Melleen Schudy, Faith Phillips and representatives of Missouri Federation of Republican Women.

Senator Kinder introduced to the Senate, Bill Smith, Jefferson City.

Senator Kinder introduced to the Senate, students from Immaculate Conception School, Jackson.

Senator Steelman introduced to the Senate, Brian and Julie Reese, and their daughter, Danielle, Cabool; and Rae Lynn Swopes, Mountain Grove.

On behalf of Senator Jacob and himself, Senator Russell introduced to the Senate, Tane' and Amber Burris, Lebanon; and McKinsey Hulen, Kimberly Williams, Jacob Phillips and Jason Bricker, Columbia.

Senator House introduced to the Senate, his brother Harvey House, and his wife, Lois, Grain Valley.

On behalf of Senator Klarich, the President introduced to the Senate, Missouri Secretary of State Matt Blunt, Jefferson City.

Senator Caskey introduced to the Senate, Jill Smith and 70 fourth grade students from Cass County Elementary School, Archie; and Cole McGinnis, Hannah Bartholomew, Montana Dickerson and Markie Lethcho were made honorary pages.

Senator Gibbons introduced to the Senate, 20 students from Miriam School, Webster Groves.

Senator Klindt introduced to the Senate, Jamie Lunsford, Gallatin; and Whitney Vessar, Maysville.

Senator Schneider introduced to the Senate, Bradley, Kelly and Tristan Lee Wisdom, Bill,

Rosemary and Regina Marie Cirra and Madeline Walsh, St. Louis County; and Tristan Lee, Regina Marie and Madeline were made honorary pages.

Senator Johnson introduced to the Senate, Oneida Gillespie and Sarah Adams, Savannah; and Heather Nold, Cosby; and Sarah and Heather were made honorary pages.

Senator Mathewson introduced to the Senate, Tracy Walz, La Monte.

Senator Cauthorn introduced to the Senate, Wendy Shoemyer, Shelby County.

Senator Loudon introduced to the Senate, Tad Berry, Chesterfield.

Senator Klindt introduced to the Senate, Ross Fuller, Burlington Junction; Christina Workman, Samantha Harris, Kathy King and Kevin Mattson, Maryville; Todd Mattson, Conception Junction; Daisy Workman, Pickering; Jackie Wilmes, Ravenwood; Greg Nielson, Guilford; and Marvin Harper, Barnard.

Senator Klindt introduced to the Senate, Molly Ferguson, Brenda Heines, Rebecca Long, Wes Killin, Thomas Herron, Reven Herron and Joe Van Amburg, Holt and Atchison Counties.

Senator Rohrbach introduced to the Senate, Brian Kliethermes, Tipton.

Senator Caskey introduced to the Senate, Mr. Sam Yancey, Warrensburg; Amber Ferguson and Ashley Willard, Crest Ridge; and Christina Dietrich, Kingsville.

Senator Singleton introduced to the Senate, Gil Garrow and members of Leadership Neosho.

Senator Caskey introduced to the Senate, Sarah Lewark, Warrensburg.

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

SENATE CALENDAR

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FIFTY-FIFTH DAY—WEDNESDAY, APRIL 17, 2002

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 1425

HS for HCS for HB 1877-  
Foley

HCS for HBs 1344 & 1944

HS for HCS for HB 1440-  
Riback Wilson

HS for HB 1496-Green (73)

HCS for HB 1689

HB 1926-Fraser, et al

HB 1679-Crump

Unofficial

THIRD READING OF SENATE BILLS

SS for SCS for SBs 837,  
866, 972 & 990-Cauthorn  
(In Budget Control)

SCS for SBs 894, 975 &  
927-Kinder  
(In Budget Control)

SS for SCS for SBs 670  
& 684-Sims  
(In Budget Control)

SS for SCS for SB 1059-  
Bentley  
(In Budget Control)

SB 1005-Loudon

SCS for SBs 662 & 704-  
Westfall

(In Budget Control)  
SS#2 for SCS for SBs  
984 & 985-Steelman  
(In Budget Control)

SCS for SBs 958 & 657-  
Kinder

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SENATE BILLS FOR PERFECTION

1. SB 954-Loudon, with SCS
2. SB 1014-Klindt and Kinder
3. SB 1152-Klarich, with SCS
4. SBs 766, 1120 & 1121-  
Steelman, with SCS
5. SB 926-Kenney, et al, with SCS
6. SB 1140-Rohrbach
7. SBs 1112 & 854-Caskey  
and Russell, with SCS

8. SB 1111-Quick, with SCS
9. SB 689-Gibbons, et al,  
with SCS
10. SB 938-Cauthorn, et al
11. SB 1087-Gibbons,  
et al, with SCS
12. SBs 1279, 1162 & 1164-  
Kinder and Wiggins,  
with SCS

- |   |   |
|---|---|
| 13. SB 1248-Mathewson and Kenney, with SCAs 1 & 2 | 23. SB 878-Sims, with SCS                 |
| 14. SB 971-Klindt, et al, with SCS                | 24. SB 1060-Westfall, with SCS            |
| 15. SBs 1063 & 827-Rohrbach and Kenney, with SCS  | 25. SB 1205-Yeckel                        |
| 16. SB 1010-Sims                                  | 26. SB 1040-Gibbons, et al, with SCS      |
| 17. SRB 1236-Rohrbach                             | 27. SB 1133-Gross, with SCS               |
| 18. SB 1026-Kenney, et al, with SCS               | 28. SB 1099-Childers, with SCS            |
| 19. SB 1157-Klindt, with SCS                      | 29. SB 739-Wiggins, with SCS              |
| 20. SBs 1095 & 1195-Cauthorn, with SCS            | 30. SB 1105-Loudon                        |
| 21. SB 1232-Singleton                             | 31. SB 735-Steelmann and Kinder, with SCS |
| 22. SB 1206-Bentley and Stoll                     | 32. SB 713-Singleton                      |
|   | 33. SB 1191-Jacob                         |

Unofficial

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| SBs 641 & 705-Russell, et al, with SCS (pending)   | SB 910-Gibbons  |
| SB 647-Goode, with SCS (pending)   | SB 912-Mathewson, with SCS, SS for SCS & SA 4 (pending)           |
| SB 651-Singleton and Russell, with SCS (pending)   | SBs 915, 710 & 907-Westfall, et al, with SCS & SA 2 (pending)     |
| SB 659-House and Kenney, with SS#2, SA 3 and SSA 1 for SA 3 (pending)                        | SB 1046-Gross and House, with SCS (pending)                       |
| SB 660-Westfall, et al, with SCS (pending)   | SB 1052-Sims, with SCS, SS for SCS, SA 1 & SA 1 to SA 1 (pending) |
| SB 668-Bentley, with SS & SA 1 (pending)   | SB 1103-Westfall, et al, with SA 2 (pending)                      |
| SBs 688, 663, 691, 716, 759, 824 & 955-Gibbons, et al, with SCS, SS for SCS & SA 1 (pending) | SJR 23-Singleton, with SS, SA 1 & SSA 1 for SA 1 (pending)        |
| SB 881-Steelmann and Yeckel, with SCS & SS for SCS (pending)                                 |   |

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CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 2120-Ridgeway and  
Hosmer, with SCS

HB 1955-Hilgemann, et al,  
with SCS

HB 1659-Kelly (27)

HB 1537-Clayton, with SCS  
(Klarich)

HB 1814-Monaco, et al,  
with SCA 1

HB 1715-Moore, et al

HB 1768-Hosmer, et al,  
with SCA 1 (Klarich)

HB 1895-Carnahan, et al

HB 1151-Smith (Caskey)

HB 1078-Whorton, et al,  
with SCS

HB 1148-Ross

HB 1580-Barnett

HB 1811-Gambaro, with SCS  
(Dougherty)

HB 1839-Seigfreid

HB 1846-Scott, with SCS

HB 1849-Barnitz and  
Overschmidt, with SCS

HB 1861-Burcham

HB 1982-Richardson  
(Foster)

HB 2002-Farnen and Naeger

HB 2018-Bartle, et al

HB 2039-Kreider

HB 2064-Walton, et al

HB 2130-Boykins, et al

HB 2047-Ransdall, et al,  
with SCS

HB 2022-Richardson, with  
SCS (Stoll)

HB 1973-Bowman

HB 1515-Burton

HB 1477-Farnen, with SCS

HB 1406-Barnett, with SCS  
(Klindt)

HB 1964-Gambaro, with SCS  
(Yeckel)

HB 1635-Hoppe, with SCS

HB 2009-O'Connor, with  
SCS

HB 1838-Hosmer

HB 1085-Mays (50)

HB 1548-Barry, with SCS

HB 1812-Riback Wilson  
(Sims)

HB 1781-Green (73) and  
Ladd Baker

HB 1783-Lowe, et al, with  
SCS

HB 1636-Hoppe, with SCS

HB 1840-Seigfreid

HB 1032-Portwood

HB 1313-Burton, with SCS  
 HB 1937-Barry, with SCA 1  
 HB 1776-Harlan, with SCS  
 HB 2001-Hegeman, et al  
 HB 1921-Green (73), with  
 SCS  
 HB 2117-Boucher (Caskey)  
 HB 1086-Harlan, with SCS  
 (House)  
 HB 1519-Boucher (Yeckel)  
 HB 1375-Luetkenhaus  
 (Yeckel)  
 HB 1342-Farnen  
 HB 1668-Holt, et al  
 HB 1822-Walton  
 HB 1492-Seigfreid, with  
 SCS  
 HB 1495-Seigfreid, with  
 SCS  
 HB 1265-Gratz and Vogel,  
 with SCS (Childers)  
 HB 2080-Britt, et al,  
 with SCS  
 HB 1674-O'Toole and  
 Dempsey  
 HB 1890-Hilgemann, et al,  
 with SCS  
 HB 1837-Berkowitz, et al,  
 with SCS  
 HB 1518-Luetkenhaus

HB 1568-Luetkenhaus, with  
 SCS  
 HB 1381-Luetkenhaus, with  
 SCS (Rohrbach)  
 HB 1701-Luetkenhaus and  
 Ward, with SCS  
 HB 1468-Ward, with SCS  
 (Loudon)  
 HB 1473-Green (15), et al,  
 with SCS  
 HB 1918-Koller, with SCS  
 HBs 1093, 1094, 1159, 1204,  
 1242, 1272, 1391, 1397,  
 1411, 1624, 1632, 1714,  
 1755, 1778, 1779, 1852,  
 1862, 2025 & 2123-Relford  
 and Seigfreid, with SCS  
 HBs 1141, 1400, 1645,  
 1745 & 2026-Naeger,  
 with SCS  
 HBs 1205, 1214, 1314,  
 1320, 1504, 1788, 1867  
 & 1969-Seigfreid and  
 Relford, with SCS  
 HB 1075-Nordwald  
 HB 2032-Hosmer, with SCS  
 HB 2062-Hosmer, et al  
 HB 1789-Ross, et al, with  
 SCS  
 HB 1643-Holand and Barry

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 BILLS IN CONFERENCE AND BILLS  
 CARRYING REQUEST MESSAGES

In Conference

HCS for HB 1115, with SCS  
 (Russell)  
 (House adopted CCR  
 and passed CCS)

RESOLUTIONS

SR 1026-Jacob, with SA 1  
(pending)

To be Referred

SCR 65-Loudon

SCR 66-Loudon

Reported from Committee

SCR 51-Mathewson and  
Yeckel, with SCA 1  
HCR 5-Reynolds  
(Schneider)

SCR 43-Loudon, with SCS  
HCS for HCR 11

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MISCELLANEOUS

REMONSTRANCE 1-Caskey

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