

# Journal of the Senate

SECOND REGULAR SESSION

FORTY-FIFTH DAY—WEDNESDAY, MARCH 31, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

“Peace is my parting gift to you, my own peace such as the world cannot give. Set your troubled hearts at rest, and banish all your fears.” (John 14:27)

Merciful God, we begin this day aware that yet six more American soldiers died, bringing our dead to over six hundred in Iraq alone. We ask that You will comfort the families of the military and the civilians who have died and the many more wounded that they may rest their troubled hearts in You and bless all those who are put in harms way. We pray that we may be instruments of Your peace here and abroad and find ways to put an end to this conflict. 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, KOLR-10 and WXYZ-ABC, Detroit, were given permission to take pictures in the Senate Chamber today.

The following Senators were present during

the day’s proceedings:

Present—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—34		

Absent with leave—Senators—None

## RESOLUTIONS

Senator Coleman offered Senate Resolution No. 1641, regarding the One Hundredth Birthday of Elnora Walker, St. Louis, which was adopted.

## CONCURRENT RESOLUTIONS

Senator Gross offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 46

WHEREAS, the several tax return forms of the State of Missouri have steadily grown in length over recent years; and

WHEREAS, the General Assembly is a co-equal branch of state government and is responsible for the formation of tax laws that lead in part to expansion of tax returns; and

WHEREAS, the current General Assembly has proposed several "check-off" options for the Missouri tax return that would promote charitable giving; and

WHEREAS, the passage of additional check-off options would require more space on the Missouri tax return than is available:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby establish the Joint Interim Committee on Tax Returns; and

BE IT FURTHER RESOLVED that the Committee shall be composed of three majority members and two minority members of the Senate, to be appointed by the President Pro Tem of the Senate; three majority members and two minority members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the Committee shall conduct a comprehensive analysis of the Missouri tax return, examine any other issues that the committee deems relevant, and make any recommendations for improving the efficiency and effectiveness of tax returns; and

BE IT FURTHER RESOLVED that the Committee be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations from the Department of Revenue; and

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

BE IT FURTHER RESOLVED that the Committee, its members, and any staff personnel assigned to the Committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the Committee report its recommendations and findings to the Missouri General Assembly by January 1, 2005, and the authority of such Committee shall terminate on December 31, 2004; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President Pro Tem of the Senate, the Speaker of the House of Representatives, and the Director of Revenue.

### THIRD READING OF SENATE BILLS

Senator Yeckel moved that **SB 1269**, with **SCS**, be called from the Consent Calendar and again taken up for 3rd reading and final passage,

which motion prevailed.

**SCS for SB 1269** was again taken up.

Senator Bartle assumed the Chair.

Senator Yeckel moved that **SCS for SB 1269** be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS for SB 1269** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel—31	

#### NAYS—Senators—None

#### Absent—Senators

Dolan	Wheeler—2
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Absent with leave—Senator Clemens—1

The President declared the bill passed.

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

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

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

Senator Klindt moved that **SB 1091**, with **SCS**, be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

**SCS for SB 1091** was again taken up.

Senator Klindt moved that **SCS for SB 1091** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS for SB 1091** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Childers	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Champion	Dolan	Kennedy—3
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Absent with leave—Senator Clemens—1

The President declared the bill passed.

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

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

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

**SB 1323**, introduced by Senator Shields, entitled:

An Act to repeal section 160.254, RSMo, and to enact in lieu thereof one new section relating to the joint committee on education.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 1323** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Childers	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Yeckel—28

NAYS—Senators—None

Absent—Senators

Bland	Champion	Jacob	Kennedy
Wheeler—5			

Absent with leave—Senator Clemens—1

The President declared the bill passed.

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

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

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

**SB 941**, with **SCS**, introduced by Senator Coleman, entitled:

An Act to repeal section 165.301, RSMo, and to enact in lieu thereof one new section relating to selection of depositories in metropolitan school districts.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 941**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 941

An Act to repeal section 165.301, RSMo, and to enact in lieu thereof one new section relating to selection of depositories in metropolitan school districts.

Was taken up.

Senator Coleman moved that **SCS** for **SB 941** be adopted, which motion prevailed.

On motion of Senator Coleman, **SCS** for **SB 941** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senator Kennedy—1

Absent with leave—Senator Clemens—1

The President declared the bill passed.

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

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

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

**SB 1242**, introduced by Senator Wheeler, entitled:

An Act to repeal sections 169.270, 169.291, 169.295, and 169.322, RSMo, and to enact in lieu thereof four new sections relating to the Kansas City public school retirement system.

Was called from the Consent Calendar and taken up.

On motion of Senator Wheeler, **SB 1242** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senator Kennedy—1

Absent with leave—Senator Clemens—1

The President declared the bill passed.

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

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

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

## SENATE BILLS FOR PERFECTION

Senator Goode moved that **SB 710**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 710**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 710

An Act to repeal sections 210.104, 210.107, and 307.178, RSMo, and to enact in lieu thereof two new sections relating to motor vehicle safety, with penalty provisions and an effective date.

Was taken up.

Senator Goode moved that **SCS** for **SB 710** be adopted.

Senator Dolan offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 710, Page 2, Section 307.178, Line 17, by inserting immediately after the word “subsection” the following: “, **however, nothing shall prohibit a law enforcement officer from enforcing the provisions of this section if the violation is clearly visible to the officer without stopping the vehicle**”; and further amend line 22, by inserting immediately after the word “law” the following: “**or for a search of the driver, passenger, or vehicle**”; and further amend line 40, by striking the word “ten” and inserting in lieu thereof the following: “**fifteen**”.

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

Senator Dolan offered **SA 2**:

### SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 710, Page 1, Section A, Line 3, by inserting after all of said line the following:

“307.020. As used in sections 307.020 to 307.120, [unless the context requires another or different construction] **the following terms mean**:

(1) “Approved” [means], approved by the director of revenue and when applied to lamps and

other illuminating devices means that such lamps and devices must be in good working order;

(2) “Auxiliary lamp” [means], an additional lighting device on a motor vehicle used primarily to supplement the headlamps in providing general illumination ahead of a vehicle;

(3) “Headlamp” [means], a major lighting device capable of providing general illumination ahead of a vehicle;

(4) “Mounting height” [means], the distance from the center of the lamp to the surface on which the vehicle stands;

(5) “Multiple-beam headlamps” [means], headlamps or similar devices arranged so as to permit the driver of the vehicle to use one of two or more distributions of light on the road;

(6) “Reflector” [means], an approved device designed and used to give an indication by reflected light;

(7) “Single-beam headlamps” [means], headlamps or similar devices arranged so as to permit the driver of the vehicle to use but one distribution of light on the road;

(8) “Vehicle” [means], every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks;

(9) “When lighted lamps are required” [means], at any time from a half-hour after sunset to a half-hour before sunrise, **at anytime when rain, snow, fog, or other atmospheric conditions require the use of windshield wipers**, and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet ahead.”; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted.

Senator Shields assumed the Chair.

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

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Committee Substitute for Senate Bill No. 710, Page 2, Section 307.020, Line 8, by inserting after “fog,”: “intermittent sprinkling, smoke, rain spit, excessive dew,”.

Senator Caskey moved that the above amendment be adopted.

At the request of Senator Caskey, **SA 1 to SA 2** was withdrawn.

**SA 2** was again taken up.

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

Senator Nodler assumed the Chair.

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

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 710, Page 4, Section 307.179, Lines 48-51, by deleting all of subsection 5; and further renumber the remaining subsection accordingly.

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

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

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 710, Page 5, Section 307.179, Line 65, by inserting after said line the following:

**“Section 1. Whenever Missouri driving statutes are altered, the Missouri Department of Revenue shall notify all licensed Missouri motorists of said changes before those changes become effective.”; and**

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

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

Senator Caskey offered SA 5, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 710, Page 5, Section 307.179, Line 65, by inserting after said line the following:

**“Section 1. Whenever Missouri driving statutes are altered, the Missouri Department of Revenue shall notify licensed Missouri motorists via public service announcements or other mass communication means of said changes before those changes become effective.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Loudon offered SA 6, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 710, Page 1, Section A, Line 3, by inserting immediately after all of said line the following:

**“307.156. Any person, firm, or corporation which owns or operates a business engaged in whole or in part in servicing motor vehicles and installs or purports to install an airbag in a motor vehicle and either: 1) installs an airbag that does not meet all applicable federal safety regulations for an airbag installed in a vehicle of that make, model, and year; or 2) installs an airbag which has previously been installed in another motor vehicle without disclosing in writing to the owner or lessee of the vehicle receiving such airbag installation that a used airbag has been installed in it, shall be guilty of a class D felony.”; and**

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above

amendment be adopted, which motion prevailed.

Senator Bray offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 710, Page 1, Section A, Line 3, by inserting immediately after said line the following:

**“300.330. The driver of a motor vehicle shall not drive within any sidewalk area except as a permanent or temporary driveway. A designated bicycle lane shall not be obstructed by a parked or standing motor vehicle or other stationary object. A motor vehicle may be driven in a designated bicycle lane only for the purpose of a lawful maneuver to cross the lane or provide for safe travel. In making an otherwise lawful maneuver that requires traveling in or crossing a designated bicycle lane, the driver of a motor vehicle shall yield to any bicycle in the lane.**

**300.410. Notwithstanding the foregoing provisions of sections 300.155 to 300.410, every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian [upon any roadway and shall give warning by sounding the horn when necessary], any person propelling or a passenger on a human powered vehicle, or any person operating or a passenger on a motorcycle, and shall exercise [proper precaution] the highest degree of care upon observing any child or any confused or incapacitated person upon a roadway.**

**300.411. 1. When passing a bicycle, a person operating a motor vehicle shall exercise the highest degree of care by leaving a safe distance between the motor vehicle and the bicycle of not less than three feet until the motor vehicle is safely past the overtaken bicycle.**

**2. When passing a pedestrian in or near a roadway, a person operating a vehicle shall exercise the highest degree of care by operating at a safe speed and leaving a safe distance between the vehicle and the pedestrian, and in no event less than three feet, until the vehicle is safely past the pedestrian.**

302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in section 302.303 . . . . . 2 points (except any violation of municipal stop sign ordinance where no accident is involved . . . . . 1 point)

(2) Speeding

In violation of a state law . . . . . 3 points  
In violation of a county or municipal ordinance . . . . . 2 points

(3) Leaving the scene of an accident in violation of section 577.060, RSMo. . . . . 12 points  
In violation of any county or municipal ordinance. . . . . 6 points

(4) In a marked school zone . . . . . 4 points

(5) Careless and imprudent driving in violation of subsection 4 of section 304.016, RSMo . . . . . 4 points  
In violation of a county or municipal ordinance . . . . . 2 points

[(5)] (6) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:

- (a) For the first conviction . . . . . 2 points
- (b) For the second conviction . . . . . 4 points
- (c) For the third conviction . . . . . 6 points

[(6)] (7) Operating with a suspended or revoked license prior to restoration of operating privileges . . . . . 12 points

[(7)] (8) Obtaining a license by misrepresentation . . . . . 12 points

[(8)] (9) For the first conviction of driving while in an intoxicated condition or under the influence of

controlled substances or drugs . . . . . 8 points

[(9)] (10) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled substances or drugs or driving with a blood alcohol content of eight-hundredths of one percent or more by weight . . . . . 12 points

[(10)] (11) For the first conviction for driving with blood alcohol content eight-hundredths of one percent or more by weight In violation of state law . . . . . 8 points

In violation of a county or municipal ordinance or federal law or regulation . . . . . 8 points

[(11)] (12) Any felony involving the use of a motor vehicle . . . . . 12 points

[(12)] (13) Knowingly permitting unlicensed operator to operate a motor vehicle . . . . . 4 points

[(13)] (14) For a conviction for failure to maintain financial responsibility pursuant to county or municipal ordinance or pursuant to section 303.025, RSMo . . . . . 4 points

(15) Misdemeanor assault in the third degree involving the use of a motor vehicle . . . . . 8 points

(16) (a) For a conviction for operation of a vehicle causing injury under subsection 1 of section 304.679, RSMo . . . . . 4 points

(b) For a conviction for operation of a vehicle causing serious physical injury under sub-section 2 of section 304.679, RSMo . . . . . 8 points

(c) For a conviction for operation of a vehicle causing death under subsection 3 of section 304.679, RSMo . . . . . 12 points

2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section 302.020, when the director issues such operator a license or permit pursuant to the provisions of sections 302.010 to 302.340.

3. An additional two points shall be assessed when personal injury or property damage results

from any violation listed in subsection 1 of this section and if found to be warranted and certified by the reporting court.

4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this section constitutes both a violation of a state law and a violation of a county or municipal ordinance, points may be assessed for either violation but not for both. Notwithstanding that an offense arising out of the same occurrence could be construed to be a violation of subdivisions (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for offenses arising out of the same occurrence.

5. The director of revenue shall put into effect a system for staying the assessment of points against an operator. The system shall provide that the satisfactory completion of a driver-improvement program or, in the case of violations committed while operating a motorcycle, a motorcycle-rider training course approved by the director of the department of public safety, by an operator, when so ordered and verified by any court having jurisdiction over any law of this state or county or municipal ordinance, regulating motor vehicles, other than a violation committed in a commercial motor vehicle as defined in section 302.700, shall be accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision (1), (2) or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. For the purposes of this subsection, the driver-improvement program shall meet or exceed the standards of the National Safety Council's eight-hour "Defensive Driving Course" or, the **National Safety Council's eight-hour "Attitudinal Dynamics of Driving Course"** in the case of a violation which occurred during the operation of a motorcycle, the program shall meet the standards established by the director of the department of public safety pursuant to sections 302.133 to 302.138. The completion of a driver-improvement program or a motorcycle-rider training course shall not be accepted in lieu of points more than one

time in any thirty-six-month period and shall be completed within sixty days of the date of conviction in order to be accepted in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions of this subsection shall, within fifteen days after completion of the driver-improvement program or motorcycle-rider training course by an operator, forward a record of the completion to the director, all other provisions of the law to the contrary notwithstanding. The director shall establish procedures for record keeping and the administration of this subsection.

**304.675. 1. The governing body of a county or municipality may establish a maximum speed limit within a school zone not to exceed twenty miles per hour. Such speed limit shall be in force only during those times thirty minutes before, during, and thirty minutes after the periods of time when students are arriving at a regularly scheduled school session and leaving a regularly scheduled school session. As used in this section, the term "school zone" means property on which a school building is located and the sections of street or highway on or adjacent to the school property that are designated by signs indicating that it is a school and showing the posted limit or a section of street or highway where a school crossing is located that is designated by signs indicating that it is a school crossing and showing the posted speed limit. The state highways and transportation commission shall approve a twenty mile per hour speed limit in a school zone on state or federal highways before the same shall become effective.**

**2. The governing body of a county or municipality may establish a speed limit within a school zone lower than twenty miles per hour if it finds, in conjunction with the school board, that a lower limit is needed to promote public safety, and the governing body of a county or municipality may extend the hours which the school zone speed limit is in force, if it finds, in conjunction with the school board, that extended hours for the school zone speed limit**

are needed to promote public safety. The establishment of any speed limit within a school zone lower than twenty miles per hour shall be in accordance with sections 304.010, 304.120, and 304.130.

3. The governing body of a county or municipality may provide that fines for any traffic violation within a school zone during the hours when the school zone speed limit is in effect shall be double the usual amount, and may erect signs in school zones indicating that fines are doubled.

304.677. Notwithstanding any other provisions of the law to the contrary, every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian, any person propelling or a passenger on a human powered vehicle, or any person operating or a passenger on a motorcycle, and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated, or intoxicated person.

304.678. When passing a bicycle, a person operating a motor vehicle shall exercise the highest degree of care by leaving a safe distance between the motor vehicle and the bicycle, and in no event less than three feet, until the motor vehicle is safely past the bicycle.

304.679. 1. A person is guilty of operation of a vehicle causing physical injury when, in the course of operating a vehicle in violation of any provision of this chapter, or any moving violation of a state law or county or municipal or federal traffic ordinance or regulation, the person's operation of the vehicle causes physical injury to another person.

2. A person is guilty of operation of a vehicle causing serious physical injury when, in the course of operating a vehicle in violation of any provision of this chapter, or any moving violation of a state law or county or municipal or federal traffic ordinance or regulation, the person's operation of the vehicle causes serious physical injury to another person.

3. A person is guilty of operation of a vehicle causing death when, in the course operating a vehicle in violation of any provision of this chapter, or any moving violation of a state law or county municipal or federal traffic ordinance or regulation, the person's operation of the vehicle causes the death of another person.

4. For purposes of this section, physical injury and serious physical injury shall be as defined in subdivisions (20) and (28) of section 556.061, RSMo, respectively.”; and

Further amend said bill, Page 5, Section 307.179, Line 65, by inserting after all of said line the following:

“307.180. As used in sections 307.180 to 307.193:

(1) The word “bicycle” shall mean every vehicle propelled solely by human power upon which any person may ride, having two tandem wheels, or two parallel wheels and one forward or rear wheel, all of which are more than fourteen inches in diameter, except scooters and similar devices;

(2) The term “motorized bicycle” shall mean any two- or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which produces less than three gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground. A motorized bicycle shall be considered a motor vehicle for purposes of any homeowners' or renters' insurance policy.

307.189. Any provision of section 307.188 to the contrary notwithstanding:

(1) A person operating a bicycle or human-powered vehicle approaching a stop sign shall slow down and, if required for safety, stop before entering the intersection. After slowing to a reasonable speed or stopping, the person shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard

during the time the person is moving across or within the intersection or junction of highways, except that a person after slowing to a reasonable speed and yielding the right-of-way if required, may cautiously make a turn or proceed through the intersection without stopping;

(2) A person operating a bicycle or human-powered vehicle approaching a steady red traffic-control signal shall stop before entering the intersection, except that a person after slowing to a reasonable speed and yielding the right-of-way if required, may cautiously make a right-hand turn without stopping.

**307.191. Bicycle travel on the shoulder of the roadway shall be permitted except where local regulations or regulations established by the state highways and transportation commission prohibit such shoulder travel. Places where shoulder bicycle travel is prohibited shall be clearly marked with signs. Where bicycle travel on shoulders is permitted, bicycle travel on shoulders shall not be required, except on limited access highways, where bicycle travel may be permitted only on shoulders.**

**537.038. Every driver of a vehicle shall exercise the highest degree of care to avoid colliding with any pedestrian, any person propelling or a passenger on a human powered vehicle, or any person operating or a passenger on a motorcycle and thereby causing bodily injury or death to such person.**

565.024. 1. A person commits the crime of involuntary manslaughter in the first degree if [he] **the person:**

(1) Recklessly causes the death of another person; or

(2) While in an intoxicated condition operates a motor vehicle in this state and, when so operating, acts with criminal negligence to cause the death of any person **or;**

(3) **In operating a vehicle, recklessly causes the death of another person. For purposes of**

**this subdivision, recklessness shall be presumed if it is shown that the person knowingly operated a vehicle in a manner inconsistent with the requirement of 304.678, or otherwise in an unsafe manner, or in a manner inconsistent with the requirements of local, state, or federal traffic law. The person's prior record of traffic violations and collisions may be used as evidence which may establish a pattern, and thus the person's knowledge of habitual unsafe or illegal vehicle operation and conscious disregard of the substantial and unjustifiable risk of such operation.**

2. Involuntary manslaughter in the first degree is a class C felony.

3. A person commits the crime of involuntary manslaughter in the second degree if:

(1) [He] **The person** acts with criminal negligence to cause the death of any person; **or**

(2) **The person operates a vehicle in a manner that violates local, state, or federal traffic law or regulation, and such violation causes or contributes to the death of any person.**

4. Involuntary manslaughter in the second degree is a class D felony.

565.060. 1. A person commits the crime of assault in the second degree if [he] **the person:**

(1) Attempts to kill or knowingly causes or attempts to cause serious physical injury to another person under the influence of sudden passion arising out of adequate cause; or

(2) Attempts to cause or knowingly causes physical injury to another person by means of a deadly weapon or dangerous instrument; or

(3) Recklessly causes serious physical injury to another person; or

(4) While in an intoxicated condition or under the influence of controlled substances or drugs, operates a motor vehicle in this state and, when so operating, acts with criminal negligence to cause physical injury to any other person than himself; or

(5) Recklessly causes physical injury to

another person by means of discharge of a firearm;  
or

**(6) In operating a vehicle, recklessly causes serious physical injury to another person. For purposes of this subdivision, recklessness shall be presumed if it is shown that the person knowingly operated a vehicle in a manner inconsistent with the requirement of section 304.678 or otherwise in an unsafe manner inconsistent with the requirements of local, state, or federal traffic law. The person's prior record of traffic violations and collisions may be used as evidence which may establish a pattern, and thus the person's knowledge of habitual unsafe or illegal vehicle operation and conscious disregard of the substantial and unjustifiable risk of such operation.**

2. The defendant shall have the burden of injecting the issue of influence of sudden passion arising from adequate cause under subdivision (1) of subsection 1 of this section.

3. Assault in the second degree is a class C felony.

565.070. 1. A person commits the crime of assault in the third degree if:

(1) The person attempts to cause or recklessly causes physical injury to another person; or

(2) With criminal negligence the person causes physical injury to another person by means of a deadly weapon; or

(3) The person purposely places another person in apprehension of immediate physical injury; or

(4) The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or

(5) The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative; or

(6) The person knowingly causes physical contact with an incapacitated person, as defined in section 475.010, RSMo, which a reasonable

person, who is not incapacitated, would consider offensive or provocative; or

**(7) In operating a vehicle, the person recklessly causes physical injury to another person; or**

**(8) The person operates a vehicle in a manner that violates local, state, or federal traffic law or regulation, and causes or contributes to the serious physical injury of another person.**

For purposes of subdivision (3) of this subsection, purposefulness shall be presumed if it is shown that the person knowingly operated a vehicle in a manner inconsistent with the requirement of section 304.678, RSMo, that a motorist leave a distance of at least three feet when overtaking a bicycle traveling in the same direction.

**For purposes of subdivision (7) of this subsection, recklessness shall be presumed if it is shown that the person knowingly operated a vehicle in a manner inconsistent with the requirements of section 304.678, RSMo, or otherwise in an unsafe manner or in a manner inconsistent with the requirement of local, state, or federal traffic law. The person's prior record of traffic violations and collisions may be used as evidence which may establish a pattern of unsafe or illegal operation and the person's awareness of this pattern, and thus the person's knowledge of habitual unsafe or illegal vehicle operation and conscious disregard of the substantial and unjustifiable risk of such operation.**

2. Except as provided in subsections 3 and 4 of this section, assault in the third degree is a class A misdemeanor.

3. A person who violates the provisions of subdivision (3) or (5) of subsection 1 of this section is guilty of a class C misdemeanor.

4. A person who has pled guilty to or been found guilty of the crime of assault in the third degree more than two times against any family or household member as defined in section 455.010,

RSMo, is guilty of a class D felony for the third or any subsequent commission of the crime of assault in the third degree when a class A misdemeanor. The offenses described in this subsection may be against the same family or household member or against different family or household members.”; and

Further amend said bill, page 5, Section B, line 3, by inserting immediately after said line the following:

“Section C. The enactment of sections 304.675, 304.677, 304.678, 304.679, 307.189, 307.191, and 537.038 and the repeal and reenactment of sections 300.330, 300.410, 302.302, 307.180, 565.024, 565.060, and 565.070 shall become effective on January 1, 2005.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted.

Senator Goode 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 Committee Substitute for Senate Bill No. 710, Pages 2-6, Section 302.302, by striking all of section 302.302 from said bill; and

Further amend the title and enacting clause accordingly.

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

**SA 7**, as amended, was again taken up.

Senator Gross offered **SA 2** to **SA 7**, which was read:

**SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 7**

Amend Senate Amendment No. 7 to Senate Committee Substitute for Senate Bill No. 710, Pages 7-8, Section 304.679, by striking all of section 304.679; and

Further amend the title and enacting clause

accordingly.

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

**SA 7**, as amended, was again taken up.

Senator Loudon offered **SA 3** to **SA 7**, which was read:

**SENATE AMENDMENT NO. 3 TO  
SENATE AMENDMENT NO. 7**

Amend Senate Amendment No. 7 to Senate Committee Substitute for Senate Bill No. 710, Page 6, Section 304.675, Lines 10-11, by deleting the words “not to exceed” and replacing them with the words “not less than”; and

Further amend said section, lines 23-24, by deleting said lines and replacing them with the following:

“transportation commission may approve a speed limit in a school zone not lower than twenty miles per hour on state or federal highways before”.

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

**SA 7**, as amended, was again taken up.

Senator Bray moved that the above amendment be adopted, which motion prevailed on a standing division vote.

Senator Goode moved that **SCS** for **SB 710**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SCS** for **SB 710**, as amended, was declared perfected and ordered printed.

**MESSAGES FROM THE HOUSE**

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1377**, entitled:

An Act to repeal sections 64.520 and 64.805, RSMo, and to enact in lieu thereof two new sections relating to expenses of county planning commissions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1321**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to neighborhood improvement districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

**REPORTS OF STANDING COMMITTEES**

Senator Gibbons, 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 **SS** for **SCS** for **SB 1081**; and **SCS** for **SB 1220**, 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 Gibbons, the Senate recessed until 2:15 p.m.

**RECESS**

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

**THIRD READING OF SENATE BILLS**

**SB 1311**, introduced by Senator Wheeler, entitled:

An Act to repeal section 143.081, RSMo, and to enact in lieu thereof one new section relating to credit for income taxes paid to another state or the District of Columbia, with an effective date.

Was called from the Consent Calendar and taken up.

On motion of Senator Wheeler, **SB 1311** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—29			

NAYS—Senator Goode—1

Absent—Senators

Bland	Childers	Dolan	Quick—4
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Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**SB 1195**, with **SCS**, introduced by Senator Klindt, entitled:

An Act to repeal section 211.393, RSMo, and to enact in lieu thereof one new section relating to juvenile court personnel.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 1195**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1195

An Act to repeal section 211.393, RSMo, and to enact in lieu thereof one new section relating to juvenile court personnel.

Was taken up.

Senator Klindt moved that **SCS** for **SB 1195** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB**

**1195** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

## NAYS—Senators—None

## Absent—Senators

Dolan Quick—2

## Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**SB 1066**, with **SCS**, introduced by Senator Steelman, entitled:

An Act to repeal sections 537.675, 537.678, and 537.684, RSMo, and to enact in lieu thereof three new sections relating to the tort victims' compensation fund.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 1066**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1066

An Act to repeal sections 537.675, 537.678, and 537.684, RSMo, and to enact in lieu thereof three new sections relating to the tort victims' compensation fund, with an emergency clause for a certain section.

Was taken up.

Senator Steelman moved that **SCS** for **SB 1066** be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **SB 1066** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

## NAYS—Senators—None

## Absent—Senators

Dolan Kinder Quick—3

## Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

## YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

## NAYS—Senators—None

## Absent—Senators

Dolan Quick—2

## Absent with leave—Senators—None

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

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

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

**SB 847**, introduced by Senator Bland, entitled:

An Act to amend chapter 139, RSMo, by adding thereto one new section relating to installment payments of property taxes in certain charter counties.

Was called from the Consent Calendar and taken up.

On motion of Senator Bland, **SB 847** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Griesheimer
Gross	Jacob	Kinder	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Goode	Kennedy	Klindt	Quick—4
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Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**SB 1265**, with **SCS**, introduced by Senator Bartle, entitled:

An Act to repeal section 590.653, RSMo, and to enact in lieu thereof one new section relating to civilian review board membership.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 1265**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1265

An Act to repeal section 590.653, RSMo, and to enact in lieu thereof one new section relating to civilian review board membership.

Was taken up.

Senator Bartle moved that **SCS** for **SB 1265** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **SB 1265** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Champion	Goode	Klindt—3
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Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**SB 1211**, introduced by Senator Wheeler, entitled:

An Act to repeal section 535.030, RSMo, and to enact in lieu thereof one new section relating to the service of summons in landlord/tenant actions.

Was called from the Consent Calendar and taken up.

On motion of Senator Wheeler, **SB 1211** was

read the 3rd time and passed by the following vote:

## YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kinder	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

## NAYS—Senators

Bland Kennedy—2

## Absent—Senators

Goode Klindt—2

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**SB 983**, with **SCS**, introduced by Senator Quick, entitled:

An Act to repeal sections 301.681, 306.458, and 306.461, RSMo, and to enact in lieu thereof four new sections relating to transfer on death agreements.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 983**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 983

An Act to repeal sections 301.681, 306.458, and 306.461, RSMo, and to enact in lieu thereof four new sections relating to transfer on death agreements.

Was taken up.

Senator Quick moved that **SCS** for **SB 983** be adopted, which motion prevailed.

On motion of Senator Quick, **SCS** for **SB 983** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Kennedy	Kinder	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

## NAYS—Senators—None

## Absent—Senators

Champion Goode Jacob Klindt—4

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**SB 842**, introduced by Senator Childers, entitled:

An Act to repeal section 315.015, RSMo, and to enact in lieu thereof one new section relating to licensing of lodging establishments, with an emergency clause.

Was called from the Consent Calendar and taken up.

On motion of Senator Childers, **SB 842** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman

Stoll Vogel Wheeler Yeckel—32

NAYS—Senators—None

Absent—Senators

Dougherty Goode—2

Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators

Cauthorn Jacob—2

Absent with leave—Senators—None

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

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

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

**SB 1320**, introduced by Senator Kinder, entitled:

An Act to repeal sections 110.070 and 110.080, RSMo, and to enact in lieu thereof two new sections relating to bids for depositories of public institutions.

Was called from the Consent Calendar and taken up.

On motion of Senator Kinder, **SB 1320** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**SB 1322**, introduced by Senator Mathewson, entitled:

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to the state capitol.

Was called from the Consent Calendar and taken up.

On motion of Senator Mathewson, **SB 1322** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

NAYS—Senators—None

Absent—Senator Childers—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**SB 972**, with **SCS**, introduced by Senator Stoll, entitled:

An Act to amend chapter 27, RSMo, by adding thereto five new sections relating to the creation of a public safety officer medal of valor.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 972**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 972

An Act to amend chapter 650, RSMo, by adding thereto five new sections relating to the creation of a public safety officer medal of valor.

Was taken up.

Senator Stoll moved that **SCS** for **SB 972** be adopted, which motion prevailed.

On motion of Senator Stoll, **SCS** for **SB 972** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Scott	Shields
Steelman	Stoll	Vogel	Wheeler

Yeckel—33

NAYS—Senators—None

Absent—Senator Russell—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**SB 1336**, with **SCS**, introduced by Senators Kennedy and Dougherty, entitled:

An Act to amend chapters 41 and 143, RSMo, by adding thereto two new sections relating to the creation of a Missouri military family relief fund.

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

**SCS** for **SB 1336**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1336

An Act to amend chapters 41 and 143, RSMo, by adding thereto two new sections relating to the creation of a Missouri military family relief fund.

Was taken up.

Senator Kennedy moved that **SCS** for **SB 1336** be adopted, which motion prevailed.

On motion of Senator Kennedy, **SCS** for **SB 1336** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Champion Quick Russell—3

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**SB 1287**, with **SCS**, introduced by Senator Griesheimer, entitled:

An Act to repeal section 105.267, RSMo, and to enact in lieu thereof one new section relating to public officers and employees.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 1287**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1287

An Act to repeal section 105.267, RSMo, and to enact in lieu thereof one new section relating to public officers and employees.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 1287** be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **SB 1287** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dolan	Dougherty
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Coleman Goode Mathewson Quick Russell—5

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**SB 1365**, with **SCS**, introduced by Senator Yeckel, et al, entitled:

An Act to amend chapter 42, RSMo, by adding thereto two new sections relating to veterans.

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

**SCS** for **SB 1365**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1365

An Act to amend chapter 42, RSMo, by adding thereto two new sections relating to veterans.

Was taken up.

Senator Yeckel moved that **SCS** for **SB 1365** be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS** for **SB 1365** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Champion	Childers	Clemens
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Cauthorn Coleman Dolan Quick—4

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**SB 1285**, introduced by Senator Wheeler, entitled:

An Act to repeal section 136.055, RSMo, and to enact in lieu thereof one new section relating to motor vehicle fee offices.

Was called from the Consent Calendar and taken up.

On motion of Senator Wheeler, **SB 1285** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Days	Dougherty	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Coleman Dolan Goode Quick—4

Absent with leave—Senators—None

The President declared the bill passed.

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

Senator Wheeler moved that the vote by which

the bill passed be reconsidered.

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

**SENATE BILLS FOR PERFECTION**

Senator Loudon moved that **SB 856**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 856**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 856

An Act to repeal sections 286.020, 287.020, 287.067, 287.120, 287.390, 287.510, 287.610, and 287.800, RSMo, and to enact in lieu thereof nine new sections relating to workers' compensation law.

Was taken up.

Senator Loudon moved that **SCS** for **SB 856** be adopted.

Senator Loudon offered **SS** for **SCS** for **SB 856**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 856

An Act to repeal sections 286.020, 287.020, 287.067, 287.120, 287.390, 287.510, 287.610, and 287.800, RSMo, and to enact in lieu thereof nine new sections relating to workers' compensation law.

Senator Loudon moved that **SS** for **SCS** for **SB 856** be adopted.

Senator Kinder offered **SS** for **SS** for **SCS** for **SB 856**, entitled:

SENATE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 856

An Act to repeal sections 286.020, 287.020, 287.067, 287.120, 287.128, 287.135, 287.140, 287.240, 287.390, 287.420, 287.510, 287.520, 287.560, 287.610, 287.800, and 287.957, RSMo, and to enact in lieu thereof nineteen new sections

relating to workers' compensation law, with penalty provisions.

Senator Kinder moved that **SS** for **SS** for **SCS** for **SB 856** be adopted.

Senator Bartle assumed the Chair.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 856, Section 287.140, Pages 26-34, Line 25, by repealing same, and enacting in lieu thereof the following:

“287.140. 1. In addition to all other compensation, the employee shall receive and the employer shall provide such medical, surgical, chiropractic, and hospital treatment, including nursing, custodial, ambulance and medicines, as may reasonably be required after the injury or disability, to cure and relieve from the effects of the injury. If the employee desires, he shall have the right to select his own physician, surgeon, or other such requirement at [his own] **the employer's expense, provided that the employee notifies the employer of such selection before examination.** Where the requirements are furnished by a public hospital or other institution, payment therefor shall be made to the proper authorities. Regardless of whether the health care provider is selected by the employer or is selected by the employee [at the employee's expense], the health care provider shall have the affirmative duty to communicate fully with the employee regarding the nature of the employee's injury and recommended treatment [exclusive of] **including** any evaluation for a permanent disability rating. Failure to perform such duty to communicate shall constitute a disciplinary violation by the provider subject to the provisions of chapter 620, RSMo. When an employee [is required to] submits to medical examinations or necessary medical treatment [at a place outside of the local or metropolitan area from the place of injury or the place of his residence], the employer or its insurer shall advance or reimburse the employee for all necessary and reasonable expenses; **including mileage at the maximum rate per mile allowed**

**by the Internal Revenue Service at the time that the mileage is incurred,** except that an injured employee who resides outside the state of Missouri and who is employed by an employer located in Missouri shall have the option of selecting the location of services provided in this section either at a location within one hundred miles of the injured employee's residence, place of injury or place of hire by the employer. [The choice of provider within the location selected shall continue to be made by the employer.] In case of a medical examination if a dispute arises as to what expenses shall be paid by the employer, the matter shall be presented to the legal advisor, the administrative law judge or the commission, who shall set the sum to be paid and same shall be paid by the employer prior to the medical examination. [In no event, however, shall the employer or its insurer be required to pay transportation costs for a greater distance than two hundred fifty miles each way from place of treatment.] In addition to all other payments authorized or mandated under this subsection, when an employee who has returned to full-time employment is required to submit to a medical examination for the purpose of evaluating permanent disability, or to undergo physical rehabilitation, the employer or its insurer shall pay a proportionate weekly compensation benefit based on the provisions of section 287.180 for such wages that are lost due to time spent undergoing such medical examinations or physical rehabilitation, except that where the employee is undergoing physical rehabilitation, such proportionate weekly compensation benefit payment shall be limited to a time period of no more than twenty weeks. For purposes of this subsection only, "physical rehabilitation" shall mean the restoration of the seriously injured person as soon as possible and as nearly as possible to a condition of self-support and maintenance as an able-bodied worker. Determination as to what care and restoration constitutes physical rehabilitation shall be the sole province of the treating physician. Should the employer or its insurer contest the determination of the treating physician, then the director shall review the case at question and issue his determination. Such determination by the

director shall be appealable like any other finding of the director or the division. Serious injury includes, but is not limited to, quadriplegia, paraplegia, amputations of hand, arm, foot or leg, atrophy due to nerve injury or nonuse, and back injuries not amenable alone to recognized medical and surgical procedures.

2. If it be shown to the division or the commission that the requirements are being furnished in such manner that there is reasonable ground for believing that the life, health, or recovery of the employee is endangered thereby, the division or the commission may order a change in the physician, surgeon, hospital or other requirement.

3. All fees and charges under this chapter shall be fair and reasonable, shall be subject to regulation by the division or the commission, or the board of rehabilitation in rehabilitation cases. A health care provider shall not charge a fee for treatment and care which is governed by the provisions of this chapter greater than the usual and customary fee the provider receives for the same treatment or service when the payor for such treatment or service is a private individual or a private health insurance carrier. The division or the commission, or the board of rehabilitation in rehabilitation cases, shall also have jurisdiction to hear and determine all disputes as to such charges. A health care provider is bound by the determination upon the reasonableness of health care bills.

4. The division shall, by regulation, establish methods to resolve disputes concerning the reasonableness of medical charges, services, or aids. This regulation shall govern resolution of disputes between employers and medical providers over fees charged, whether or not paid, and shall be in lieu of any other administrative procedure under this chapter. The employee shall not be a party to a dispute over medical charges, nor shall the employee's recovery in any way be jeopardized because of such dispute.

5. No compensation shall be payable for the death or disability of an employee, if and insofar as

the death or disability may be caused, continued or aggravated by any unreasonable refusal to submit to any medical or surgical treatment or operation, the risk of which is, in the opinion of the division or the commission, inconsiderable in view of the seriousness of the injury. If the employee dies as a result of an operation made necessary by the injury, the death shall be deemed to be caused by the injury.

6. The testimony of any physician or chiropractic physician who treated the employee shall be admissible in evidence in any proceedings for compensation under this chapter, subject to all of the provisions of section 287.210.

7. Every hospital or other person furnishing the employee with medical aid shall permit its record to be copied by and shall furnish full information to the division or the commission, the employer, the employee or his dependents and any other party to any proceedings for compensation under this chapter, and certified copies of the records shall be admissible in evidence in any such proceedings.

8. The employer may be required by the division or the commission to furnish an injured employee with artificial legs, arms, hands, surgical orthopedic joints, or eyes, or braces, as needed, for life whenever the division or the commission shall find that the injured employee may be partially or wholly relieved of the effects of a permanent injury by the use thereof. The director of the division shall establish a procedure whereby a claim for compensation may be reactivated after settlement of such claim is completed. The claim shall be reactivated only after the claimant can show good cause for the reactivation of this claim and the claim shall be made only for the payment of medical procedures involving life-threatening surgical procedures or if the claimant requires the use of a new, or the modification, alteration or exchange of an existing, prosthetic device. For the purpose of this subsection, "life threatening" shall mean a situation or condition which, if not treated immediately, will likely result in the death of the injured worker.

9. Nothing in this chapter shall prevent an employee being provided treatment for his injuries by prayer or spiritual means if the employer does not object to the treatment.

10. The employee[r] shall have the right to select the licensed treating physician, surgeon, chiropractic physician, or other health care provider; provided, however, that such physicians, surgeons or other health care providers shall offer only those services authorized within the scope of their licenses. [For the purpose of this subsection, subsection 2 of section 287.030 shall not apply.]

11. Any physician or other health care provider who orders, directs or refers a patient for treatment, testing, therapy or rehabilitation at any institution or facility shall, at or prior to the time of the referral, disclose in writing if such health care provider, any of his partners or his employer has a financial interest in the institution or facility to which the patient is being referred, to the following:

(1) The patient;

(2) The employer of the patient with workers' compensation liability for the injury or disease being treated;

(3) The workers' compensation insurer of such employer; and

(4) The workers' compensation adjusting company for such insurer.

12. Violation of subsection 11 of this section is a class A misdemeanor.

13. (1) No hospital, physician or other health care provider, other than a hospital, physician or health care provider [selected by the employee at his own expense pursuant to subsection 1 of this section], shall bill or attempt to collect any fee or any portion of a fee for services rendered to an employee due to a work-related injury or report to any credit reporting agency any failure of the employee to make such payment, when an injury covered by this chapter has occurred and such hospital, physician or health care provider has received actual notice given in writing by the

employee, the employer or the employer's insurer. Actual notice shall be deemed received by the hospital, physician or health care provider five days after mailing by certified mail by the employer or insurer to the hospital, physician or health care provider.

(2) The notice shall include:

(a) The name of the employer;

(b) The name of the insurer, if known;

(c) The name of the employee receiving the services;

(d) The general nature of the injury, if known; and

(e) Where a claim has been filed, the claim number, if known.

(3) When an injury is found to be noncompensable under this chapter, the hospital, physician or other health care provider shall be entitled to pursue the employee for any unpaid portion of the fee or other charges for authorized services provided to the employee. Any applicable statute of limitations for an action for such fees or other charges shall be tolled from the time notice is given to the division by a hospital, physician or other health care provider pursuant to subdivision (6) of this subsection, until a determination of noncompensability in regard to the injury which is the basis of such services is made, or in the event there is an appeal to the labor and industrial relations commission, until a decision is rendered by that commission.

(4) If a hospital, physician or other health care provider or a debt collector on behalf of such hospital, physician or other health care provider pursues any action to collect from an employee after such notice is properly given, the employee shall have a cause of action against the hospital, physician or other health care provider for actual damages sustained plus up to one thousand dollars in additional damages, costs and reasonable attorney's fees.

(5) If an employer or insurer fails to make payment for authorized services provided to the

employee by a hospital, physician or other health care provider pursuant to this chapter, the hospital, physician or other health care provider may proceed pursuant to subsection 4 of this section with a dispute against the employer or insurer for any fees or other charges for services provided.

(6) A hospital, physician or other health care provider whose services have been authorized in advance by the employer or insurer may give notice to the division of any claim for fees or other charges for services provided for a work-related injury that is covered by this chapter, with copies of the notice to the employee, employer and the employer's insurer. Where such notice has been filed, the administrative law judge may order direct payment from the proceeds of any settlement or award to the hospital, physician or other health care provider for such fees as are determined by the division. The notice shall be on a form prescribed by the division.”; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

A quorum was established by the following vote:

Present—Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Shields	Steelman	Stoll
Vogel	Yeckel—30		
Absent—Senators			
Bland	Dougherty	Scott	Wheeler—4
Absent with leave—Senators—None			

Senator Jacob requested a roll call vote be taken on the adoption of SA 1 and was joined in his request by Senators Bray, Callahan, Nodler and Quick.

Senator Gross assumed the Chair.

SA 1 failed of adoption by the following vote:

YEAS—Senators			
Bland	Bray	Callahan	Caskey
Coleman	Days	Dougherty	Goode
Jacob	Kennedy	Mathewson	Quick
Stoll—13			

NAYS—Senators			
Bartle	Champion	Childers	Clemens
Dolan	Foster	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel—19	

Absent—Senators	
Cauthorn	Wheeler—2

Absent with leave—Senators—None

Senator Callahan offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 856, Page 3, Section 287.020, Lines 10-27 of said page, by striking all of said lines and inserting in lieu thereof the following:

“2. [The word “accident” as used in this chapter shall, unless a different meaning is clearly indicated by the context, be construed to mean an unexpected or unforeseen identifiable event or series of events happening suddenly and violently, with or without human fault, and producing at the time objective symptoms of an injury. An injury is compensable if it is clearly work related. An injury is clearly work related if work was a substantial factor in the cause of the resulting medical condition or disability. An injury is not compensable merely because work was a triggering or precipitating factor] **The word “accident” as used in this chapter shall, unless a different meaning is clearly indicated by the context, be construed to mean any work related event or series of events performed by an employee, with or without human fault, in the usual and customary duties of work, leading to a physical breakdown or change in pathology”.**

Senator Callahan moved that the above

amendment be adopted.

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

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

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 856, Page 3, Section 287.020, Lines 19-22 of said page, by striking said lines and inserting in lieu thereof the following: "work related. An injury is clearly work related if [work] **the accident** was [a substantial] **the prevailing** factor in the cause of the resulting medical condition or disability. An injury is not compensable merely because [work] **the accident** was a triggering or precipitating factor."

Senator Clemens moved that the above substitute amendment be adopted.

At the request of Senator Loudon, **SB 856**, with **SCS, SS** for **SCS, SS** for **SS** for **SCS, SA 2** and **SSA 1** for **SA 2** (pending), was placed on the Informal Calendar.

**HOUSE BILLS ON SECOND READING**

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

**HCS for HB 798**—Judiciary and Civil and Criminal Jurisprudence.

**HB 822**—Economic Development, Tourism and Local Government.

**HCS for HB 1246**—Aging, Families, Mental and Public Health.

**HCS for HB 1422**—Aging, Families, Mental and Public Health.

**HB 1427**—Judiciary and Civil and Criminal Jurisprudence.

**HB 1572**—Small Business, Insurance and Industrial Relations.

**HB 1622**—Financial and Governmental Organization, Veterans' Affairs and Elections.

**HCS for HB 928**—Transportation.

**HB 970**—Aging, Families, Mental and Public Health.

**HCS for HB 1123**—Transportation.

**HCS for HB 1201**—Transportation.

**HCS for HB 1280**—Transportation.

**HCS for HB 1284**—Transportation.

**HB 1442**—Transportation.

**HCS for HB 1449**—Transportation.

**HB 1489**—Transportation.

**HB 1508**—Financial and Governmental Organization, Veterans' Affairs and Elections.

**HB 1575**—Commerce and the Environment.

**HB 1362**—Economic Development, Tourism and Local Government.

**HB 1493**—Commerce and the Environment.

**HB 1407**—Economic Development, Tourism and Local Government.

**MESSAGES FROM THE HOUSE**

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 855**, entitled:

An Act to repeal sections 376.779, 376.810, 376.811, 376.826, 376.836, and 376.840, RSMo, and to enact in lieu thereof six new sections relating to insurance coverage for mental health.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 1055**, entitled:

An Act to repeal sections 556.037, 566.083, 566.093, 566.095, 566.140, 566.141, 573.037, 573.040, 589.400 and 589.425, RSMo, and to enact in lieu thereof thirteen new sections relating to

sexual offenses, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1041**, entitled:

An Act to repeal sections 105.454, 163.031, 168.110, 168.124, 168.126, 168.515, and 302.272, RSMo, and to enact in lieu thereof ten new sections relating to school personnel, with an emergency clause for certain sections.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1074** and **1129**, entitled:

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to cross burning, with a penalty provision.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 1098** and **949**, entitled:

An Act to amend chapter 130, RSMo, by adding thereto two new sections relating to inaugural committees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1504**, entitled:

An Act to repeal section 227.120, RSMo, and to enact in lieu thereof one new section relating to the assessment of damages for the restriction or loss of access to highways when eminent domain is exercised, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 869**, entitled:

An Act to repeal sections 340.200, 340.246, 340.262, 340.306, 340.312, and 340.320, RSMo, and to enact in lieu thereof eight new sections relating to veterinarians.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 988**, entitled:

An Act to repeal section 115.607, RSMo, and to enact in lieu thereof one new section relating to county political party committee representation.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1277**, entitled:

An Act to repeal sections 260.370, 260.375, 260.380, 260.475, and 260.479, RSMo, and to enact in lieu thereof five new sections relating to hazardous waste management, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 795, 972, 1128** and **1161**, entitled:

An Act to repeal sections 49.272, 49.650, 50.515, 50.339, 64.520, 64.805, 251.160, 251.170, 251.180, 251.190, 260.831, 304.010, 475.275, and 479.020, RSMo, and to enact in lieu thereof eighteen new sections relating to county government, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 1193**, entitled:

An Act to repeal sections 486.225, 486.235, 486.240, 486.260, 486.265, 486.280, 486.285, 486.295, 486.300, 486.310, 486.315, 486.330, 486.335, 486.340, 486.345, 486.350, 486.385, and 486.395, RSMo, and to enact in lieu thereof nineteen new sections relating to notaries public, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and passed **HCS** for **HB 1152**, entitled:

An Act to repeal section 574.115, RSMo, and to enact in lieu thereof three new sections relating to terrorism, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1167**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 1487**, entitled:

An Act to repeal section 565.110, RSMo, and to enact in lieu thereof two new sections relating to kidnapping, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 941**, entitled:

An Act to repeal section 162.081, RSMo, and to enact in lieu thereof one new section relating to lapse of district corporate organization.

In which the concurrence of the Senate is

respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1494**, entitled:

An Act to repeal section 67.797, RSMo, and to enact in lieu thereof one new section relating to boards of directors for regional recreational districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 978**, entitled:

An Act to repeal sections 536.010 and 536.050, RSMo, and to enact in lieu thereof eight new sections relating to small businesses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1616**, entitled:

An Act to repeal sections 536.015, 536.021, 536.023, and 536.031, RSMo, and to enact in lieu thereof four new sections relating to the publication of administrative rules.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## RESOLUTIONS

Senator Callahan offered Senate Resolution No. 1642, regarding St. Anns Catholic Church, which was adopted.

Senator Quick offered Senate Resolution No. 1643, regarding Shawn Michael "Spider" Groves, Kansas City, which was adopted.

Senator Champion offered Senate Resolution No. 1644, regarding John Michael Heatherly, Springfield, which was adopted.

## INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, John Mentgen, Robert Bezanson and Vicky Keeney, Springfield.

Senator Childers introduced to the Senate, Bob Phillips, Branson.

Senator Foster introduced to the Senate, John McClellan, Joe Riley, and Scott Faughn, Poplar Bluff.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Randy Mueller, M.D., Columbia.

Senator Vogel introduced to the Senate, Michael Krekel, Palos Verdes, California; and Michael was made an honorary page.

On behalf of Senator Bray and herself, Senator Days introduced to the Senate, Elly and Mitchell Weller, Creve Coeur; and Elly and Mitchell were made honorary pages.

Senator Jacob introduced to the Senate, members of Missouri Federation of Women's Democratic Clubs from around Missouri.

Senator Wheeler introduced to the Senate, Don Sipes, FACHE, Smithville.

Senator Scott introduced to the Senate, eighth grade students from Weaubleau School, Weaubleau.

Senator Shields introduced to the Senate, Wallace Patrick, his wife Jean, and their children, St. Joseph.

Senator Scott introduced to the Senate, Allen Waldo, Lamar.

Senator Vogel introduced to the Senate, Candace Marshall and fourth grade students from St. Francis Xavier School, Taos.

Senator Scott introduced to the Senate, Andrew Howerton, Chilhowee.

Senator Caskey introduced to the Senate, Dr. Shari Bax and students from Central Missouri State University, Warrensburg.

Senator Yeckel introduced to the Senate, Bob and Jackie Prebil, Charlie and Peggy DiMercurio, Harry and Judy Miles, and Katy Forand, St. Louis County.

Senator Kennedy introduced to the Senate, Carrie Ellis, Tim Dooley, Christina Cummins, Dr. J. Paul Tindall, and Victoria Danba, D.O., Farmington; and Jamie Swiss, St. Louis.

Senator Yeckel introduced to the Senate, Alison and Mike Levine, and their children, Daniel, Joshua and Rachel, St. Louis; and Daniel, Joshua and Rachel were made honorary pages.

Senator Wheeler introduced to the Senate, Lisa Chamor, Shelly and Margaret Shetley, and Andrea and Travis Tarry, Kansas City.

Senator Shields introduced to the Senate, David Tushaus, Lee Ann Fann, Tara Garland, Anjelica Lewis and Jennifer McKinley, St. Joseph.

Senator Kinder introduced to the Senate, Denise Stewart, Laura Hinkebein and Jean Bollinger, Cape Girardeau.

On behalf of Senators Kinder, Vogel, Cauthorn, Shields and herself, Senator Coleman

introduced to the Senate, Theresa E. Loveless, Kathy Dabrowski and Tameka Greene, representatives of Greater St. Louis Girl Scout Council, St. Louis; and Denise Stewart, Jean Bollinger, Laura Hinkebein, Shirley Stevens, Darryl Ann Jenkins, and Katie and Lynn Carnes, representatives of Girl Scouts of Otahki, Cape Girardeau; and Constance Bearnes and Roberta Hensen, representatives of Girl Scouts of Heart of Missouri, Jefferson City; and Linda Garner and Karen Sutor, representatives of Girl Scouts of Becky Thatcher Area, Hannibal; and Cindy Weber, June Chen, Whitney Patterson, and Tanya and Tara Mays, representatives of Girl Scouts of Cotton Boll Area Council, Sikeston; and Debbie Zabica and Renae Holmes, representatives of Girl Scouts of Midland Empire, St. Joseph.

Senator Jacob introduced to the Senate, Joseph Galli, Richard Piglowski, John Guerra, Jr., Marvin Kropp, Richard Mark, Terry Madden, Steve Johnson, Michael Goebel, Tom Merritt, John Becker, Keith Clavin, Richard Blevins, Mike Davis, Frank Blakemore, John Fielding, Duke Nabors, Chastity Young, Jim Sheard, Roger Chappell, Dan McKay, Steve Fields, Bobby Davidson, Bob Gartner and Ken Large, representatives of Missouri-Kansas-Nebraska Conference of Teamsters.

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

## SENATE CALENDAR

FORTY-SIXTH DAY—THURSDAY, APRIL 1, 2004

## FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HB 1377-Sutherland, et al  
HCS for HB 1321  
HCS for HB 855

HCS for HB 1055  
HCS for HB 1041  
HCS for HBs 1074 & 1129

HCS for HBs 1098 & 949  
 HB 1504-Lipke and Crowell  
 HB 869-Townley, et al  
 HCS for HB 988  
 HCS for HB 1277  
 HCS for HBs 795, 972, 1128 & 1161  
 HS for HB 1193-Self

HCS for HB 1152  
 HB 1167-Kelly (144), et al  
 HS for HB 1487-Self  
 HCS for HB 941  
 HB 1494-Ervin  
 HS for HCS for HB 978-Baker  
 HB 1616-Hanaway, et al

### THIRD READING OF SENATE BILLS

SS for SS for SCS for SB 1371-Kinder,  
 et al (In Fiscal Oversight)

SS for SCS for SB 1081-Kinder, et al  
 SCS for SB 1220-Caskey

### SENATE BILLS FOR PERFECTION

SB 1234-Mathewson and Childers, with SCS  
 SJR 40-Stoll  
 SB 817-Kennedy and Griesheimer, with SCS  
 SB 1124-Goode and Steelman, with SCS  
 SB 1128-Cauthorn, with SCS  
 SJR 24-Caskey and Bartle, with SCS  
 SB 1370-Nodler  
 SJR 41-Kinder, et al, with SCS  
 SB 717-Childers  
 SB 1183-Dolan, with SCS  
 SB 1254-Klindt, with SCS  
 SB 1171-Griesheimer, et al, with SCS

SB 1116-Stoll, with SCS  
 SB 1355-Days  
 SB 810-Klindt, with SCS  
 SB 728-Steelman, with SCS  
 SB 1198-Russell, with SCA 1  
 SB 1213-Steelman and Gross, with SCS  
 SB 1159-Foster and Dougherty  
 SB 807-Loudon  
 SB 1023-Griesheimer  
 SB 1166-Caskey  
 SB 1076-Caskey

### INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SBs 738 & 790-Loudon, with SCS  
 SB 755-Shields, with SCS  
 SB 809-Klindt, with SCS (pending)  
 SB 856-Loudon, with SCS, SS for SCS, SS for SS  
 for SCS, SA 2 & SSA 1 for SA 2 (pending)  
 SB 933-Yeckel, et al  
 SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS  
 SBs 1069, 1068, 1025, 1005 & 1089-Gross  
 and Griesheimer, with SCS, SS for SCS,  
 SA 2 & SA 2 to SA 2 (pending)  
 SB 1138-Bartle  
 SB 1180-Shields and Kinder, with SCS  
 SB 1232-Clemens, et al, with SCS (pending)

HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending)  
(Bartle)

HCS for HB 1182, with SCS (Klindt)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

Reported 3/15

SB 1189-Scott, with SCS

SB 1247-Dougherty and Kennedy, with SCS  
(In Fiscal Oversight)

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 730-Gross, with HS for HCS,  
as amended

SB 739-Klindt, with HCS, as amended  
HCS for HB 1014, with SCS,  
as amended (Russell)

RESOLUTIONS

To be Referred

SCR 46-Gross

Reported from Committee

SR 1451-Yeckel