

# Journal of the Senate

FIRST REGULAR SESSION

**FORTY-SIXTH DAY—WEDNESDAY, MARCH 31, 1999**

The Senate met pursuant to adjournment.

President Pro Tem Quick in the Chair.

The Reverend Carl R. Gauck offered the following prayer:

Abraham Lincoln once said: "My desire is to so conduct the affairs of this administration that...I do the very best I know how; the very best I can; and I mean to keep on doing it to the end."

Gracious and Heavenly Father: We trust You for the wisdom we need this week to make the correct moral decisions of life and our call to service here in the Senate. May we conduct our affairs the very best we can and trust always for Your guidance and help available to us in prayer. This we ask in Your Holy Name. 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.

Senator DePasco announced that photographers from the Associated Press had been given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Ehlmann	Flotron
Goode	Graves	House	Howard
Jacob	Johnson	Kenney	Kinder
Klarich	Mathewson	Maxwell	Mueller
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel—33

Absent with leave—Senator Bland—1

The Lieutenant Governor was present.

## REFERRALS

President Pro Tem Quick referred **SCS** for **SB 425** to the Committee on State Budget Control.

## RESOLUTIONS

Senator DePasco offered Senate Resolution No. 489, regarding Police Chief Floyd O. Bartch, Kansas City, which was adopted.

Senator Bentley offered Senate Resolution No. 490, regarding Anton's Coffee Shop, Springfield, which was adopted.

Senator Staples offered Senate Resolution No. 491, regarding Mark McGwire of the St. Louis Cardinals, which was adopted.

The President placed **SR 242** before the body.

President Wilson assumed the Chair.

Senator Yeckel moved that **SR 242** be adopted.

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

### SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 242, Page 1, before the "." on the last line, by adding the following: "unless the department of economic development is required by statute enacted by August 28, 1999 to adopt a commission form of government to select its director."

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

**SR 242** was again taken up.

Senator Johnson assumed the Chair.

President Wilson assumed the Chair.

Senator Yeckel moved that **SR 242** be adopted, which motion failed by the following vote:

YEAS—Senators

Ehlmann	Flotron	Graves	Kenney
Kinder	Klarich	Mueller	Rohrbach
Sims	Singleton	Steelman	Westfall
Yeckel—13			

NAYS—Senators

Banks	Bentley	Caskey	Childers
Clay	DePasco	Goode	House
Howard	Jacob	Johnson	Mathewson
Maxwell	Quick	Russell	Schneider
Scott	Staples	Stoll	Wiggins—20

Absent—Senators—None

Absent with leave—Senator Bland—1

### SENATE BILLS FOR PERFECTION

Senator Schneider moved that **SB 70**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 70**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 70

An Act to repeal sections 407.815, 407.816, 407.820, 407.822 and 407.825, RSMo Supp. 1998, relating to motor vehicle franchise practices, and to enact in lieu thereof four new sections relating to the same subject.

Was taken up.

Senator Schneider moved that **SCS** for **SB 70** be adopted.

Senator Schneider offered **SS** for **SCS** for **SB 70**, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 70

An Act to repeal sections 407.815, 407.816, 407.820, 407.822 and 407.825, RSMo Supp. 1998,

relating to motor vehicle franchise practices, and to enact in lieu thereof four new sections relating to the same subject.

Senator Schneider moved that **SS** for **SCS** for **SB 70** be adopted.

At the request of Senator Schneider, **SB 70**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

### REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which were referred **SCS** for **SB 233**; and **SCS** for **SB 386**, 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.

### HOUSE BILLS ON SECOND READING

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

**HB 327**—Civil and Criminal Jurisprudence.

**HB 500**—Transportation.

**HB 915**—Commerce and Environment.

### MESSAGES FROM THE GOVERNOR

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

#### OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 30, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Frank D. Beller, Democrat, Route 1, Box 124, Linn, Osage County, Missouri 65051, as a member of the Air Conservation Commission of the State of Missouri, for a term ending October 13, 2001, and until his successor is duly appointed and qualified; vice, Bill Thomas, term expired.

Respectfully submitted,

MEL CARNAHAN

Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
March 30, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Harriet A. Beard, Republican, 316 South Franklin, Kirksville, Adair County, Missouri 63501, as a member of the Air Conservation Commission of the State of Missouri, for a term ending October 13, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
MEL CARNAHAN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
March 30, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Lynn M. Catrett, 8980 Orf Road, O'Fallon, St. Charles County, Missouri 63366, as a member of the Advisory Commission for Registered Physician Assistants, for a term ending March 27, 2002, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
MEL CARNAHAN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
March 30, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jeanette E. Griffin, 2138 Red Oak Lane, Liberty, Clay County, Missouri 64068, as a member of the State Board of Barber Examiners, for a term ending September 1, 2002, and until her successor is duly appointed and qualified; vice, Jeanette E. Griffin, withdrawn.

Respectfully submitted,  
MEL CARNAHAN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
March 30, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Gale L. Hackman, Democrat, 246 Virginia Trail, Jefferson City, Cole County, Missouri 65109, as a member of the State Milk Board, for a term ending September 28, 2000, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
MEL CARNAHAN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
March 30, 1999

TO THE SENATE OF THE 90th GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Donald L. Wolff, Democrat, 11732 Tarrytown, Creve Coeur, St. Louis County, Missouri 63141, as a member of the Harris Stowe State College Board of Regents, for a term ending July 28, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
MEL CARNAHAN  
Governor

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

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

**RECESS**

The time of recess having expired, the Senate was called to order by President Pro Tem Quick.

**THIRD READING OF SENATE BILLS**

SS for SCS for SBs 14, 60 and 69, introduced by Senators Mathewson, Bentley and Steelman, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 14, 60 and 69

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to tax relief for senior citizens.

Was taken up by Senator Mathewson.

On motion of Senator Mathewson, **SS** for **SCS** for **SBs 14, 60 and 69** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Childers	Clay
DePasco	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson
Mueller	Quick	Russell	Schneider
Scott	Sims	Singleton	Staples
Steelman	Westfall	Wiggins	Yeckel—28

NAYS—Senator Rohrbach—1

Absent—Senators

Banks	Ehlmann	Maxwell	Stoll—4
-------	---------	---------	---------

Absent with leave—Senator Bland—1

The President Pro Tem 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 Howard moved that motion lay on the table, which motion prevailed.

**SS** for **SCS** for **SB 338**, introduced by Senators Howard and Sims, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 338

An Act to repeal sections 376.810 and 376.811, RSMo Supp. 1998, relating to mental health insurance, and to enact in lieu thereof nine new sections relating to the same subject, with an expiration date for certain sections.

Was taken up by Senator Howard.

On motion of Senator Howard, **SS** for **SCS** for

**SB 338** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Childers	Clay
DePasco	Ehlmann	Flotron	Goode
Graves	House	Howard	Jacob
Johnson	Kenney	Kinder	Klarich
Mathewson	Mueller	Quick	Rohrbach
Schneider	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel—29

NAYS—Senators

Russell	Singleton—2
---------	-------------

Absent—Senators

Banks	Maxwell—2
-------	-----------

Absent with leave—Senator Bland—1

The President Pro Tem declared the bill passed.

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

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

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

**SCS** for **SB 37**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 37

An Act to repeal sections 67.469 and 67.475, RSMo 1994, and sections 67.455, 67.457, 67.459, 67.461, 67.1421, 67.1461, 67.1501 and 67.1531, RSMo Supp. 1998, relating to neighborhood improvement districts, and to enact in lieu thereof twelve new sections relating to the same subject.

Was taken up by Senator Rohrbach.

On motion of Senator Rohrbach, **SCS** for **SB 37** was read the 3rd time and passed by the following vote:

YEAS—Senators

Caskey	Childers	Clay	DePasco
Ehlmann	Flotron	Goode	Graves
House	Howard	Jacob	Johnson
Kenney	Kinder	Klarich	Mathewson

Mueller	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Banks	Bentley	Maxwell—3
-------	---------	-----------

Absent with leave—Senator Bland—1

The President Pro Tem declared the bill passed.

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

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

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

**SENATE BILLS FOR PERFECTION**

Senator DePasco moved that **SB 373**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SB 373** was again taken up.

Senator Kenney offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Bill No. 373, Page 48, Section 313.720, Line 9 of said page, by inserting immediately after said line the following:

"Section B. The provisions of this act shall become effective on July first of the year following the approval by the voters of this state of a constitutional amendment to section 39(c) of article III of the Missouri Constitution authorizing pari-mutuel wagering on horse racing outside the grounds or enclosure of a race track where live horse racing occurs."; and

Further amend the title accordingly.

Senator Kenney moved that the above amendment be adopted.

Senator Jacob assumed the Chair.

Senator Banks raised the point of order that **SA 1** is out of order as it is not germane to the bill that is before the body.

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

**SA 1** was again taken up.

Senator Kenney moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Singleton, Kinder, Russell and Rohrbach.

**SA 1** failed of adoption by the following vote:

YEAS—Senators

Bentley	Caskey	Childers	Ehlmann
Graves	House	Kenney	Kinder
Klarich	Rohrbach	Russell	Steelman
Westfall	Yeckel—14		

NAYS—Senators

Clay	DePasco	Goode	Howard
Jacob	Johnson	Mathewson	Mueller
Quick	Scott	Sims	Singleton
Staples	Stoll	Wiggins—15	

Absent—Senators

Banks	Flotron	Maxwell	Schneider—4
-------	---------	---------	-------------

Absent with leave—Senator Bland—1

Senator DePasco moved that **SS** for **SB 373** be adopted, which motion prevailed.

Senator Westfall requested a roll call vote be taken on the perfection of **SS** for **SB 373** and was joined in his request by Senators Bentley, Mueller, Russell and Childers.

**SS** for **SB 373** was declared perfected and ordered printed by the following vote:

YEAS—Senators

Banks	Bentley	Clay	DePasco
Graves	Howard	Jacob	Johnson
Mathewson	Mueller	Quick	Schneider
Scott	Sims	Staples	Wiggins
Yeckel—17			

NAYS—Senators

Caskey	Childers	Ehlmann	Goode
House	Kenney	Kinder	Klarich
Rohrbach	Russell	Steelman	Stoll
Westfall—13			

Absent—Senators

Flotron Maxwell Singleton—3

Absent with leave—Senator Bland—1

Senator Mathewson moved that **SB 215**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 1** was again taken up.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 215, Page 1, Section 103.083, Line 5, by deleting said line and replacing in lieu thereof, the following:

"(1) Made or renewed for a term no longer than twenty-four (24) months; and,".

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

On motion of Senator Mathewson, **SB 215**, as amended, was declared perfected and ordered printed.

Senator Goode moved that **SB 209**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SB 209** was taken up.

At the request of Senator Goode, **SS** for **SB 209** was withdrawn.

Senator Goode offered **SS No. 2** for **SB 209**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE BILL NO. 209

An Act to repeal sections 393.298, 393.299 and 393.302, RSMo Supp. 1998, relating to utility taxation, and to enact in lieu thereof eight new sections relating to the same subject, with an emergency clause.

Senator Goode moved that **SS No. 2** for **SB 209** be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Bill No. 209, Page 4, Section 144.856, Lines 24-25 of said page, by striking the following: "within a political subdivision located outside its territorial limits" and inserting in lieu thereof the following: "**outside the territorial limits of the distributor or political subdivision**"; and

Further amend said bill, Page 5, Section 144.856, Line 22 of said page, by inserting after the word "distributor" the following: "**or political subdivision**"; and

Further amend said bill, Page 13, Section 393.299, Lines 20-23 of said page, by striking all of said lines and inserting in lieu thereof the following: "**with the commission to collect and remit all business license taxes in effect pursuant to section 66.300, RSMo, section 71.610, RSMo, section 92.045, RSMo, section 94.110 or 94.360, RSMo. Retail sales of energy services by a**"; and

Further amend said bill, Page 13, Section 393.299, Lines 24-25 of said page, by striking the following: "within a political subdivision located outside its territorial limits" and inserting in lieu thereof the following: "**outside the territorial limits of the distributor or political subdivision**"; and

Further amend said bill, Page 14, Section 393.299, Lines 7-9 of said page, by striking all of said lines and inserting in lieu thereof the following: "**remit all business license taxes in effect pursuant to section 66.300, RSMo, section 71.610, RSMo, section 92.045, RSMo, section 94.110 or 94.360, RSMo.**"; and

Further amend said bill, Page 14, Section 393.299, Line 23 of said page, by inserting after the word "distributor" the following: "**or political subdivision**".

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

President Pro Tem Quick assumed the Chair.

Senator Goode offered **SA 2**:

## SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Bill No. 209, Page 22, Section 393.302, Line 9 of said page, by inserting after all of said line the following:

**"Section 1. 1. The public service commission shall open a generic, evidentiary docket to consider potential stranded costs, both positive and negative, which may arise in the event that retail electric competition should be implemented. The commission shall develop methods for estimating the net difference between the value in the existing, regulated market and the value in the competitive market of utility generation assets and liabilities, including, but not necessarily limited to, regulatory and other related assets and liabilities, and purchased power contracts. This docket shall also consider potential means of mitigating and recovering stranded costs, and list potential methods by which to determine the amount of stranded costs to be recovered, including the potential for up to one hundred percent recovery.**

**2. The commission shall open a generic, evidentiary docket to consider market power, which may arise in the event retail electric competition is introduced in any form. In this docket, the commission shall develop methods for analyzing the extent, if any, of market power possessed by the existing regulated utilities, and develop alternative methods for mitigating such market power for various potential forms of deregulated electric generation markets, in the event retail competition is implemented.**

**3. The commission shall open a generic, evidentiary docket to consider unbundling of retail electric rates. In this docket, the commission shall consider potential methods to unbundle utility rates in order to separately state the principal costs of the services which are currently provided on a bundled basis, including separation of rates for services which may be price regulated and those which may not.**

**4. The commission shall open each of these**

**dockets as soon as practicable, and shall issue its final reports and orders not later than October 31, 2000.**

**5. Nothing in this section shall be construed to permit the commission to implement retail electric competition, or to take any steps in that direction without additional authorization as provided by law or delay or otherwise affect any other dockets filed with the commission that consider these issues.";** and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

President Wilson assumed the Chair.

Senator Johnson assumed the Chair.

Senator Childers 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 Substitute No. 2 for Senate Bill No. 209, Page 2, Subsection 5, Line 2, by inserting the words "or allow the implementation of" after the word "implement" on said line.

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

**SA 2**, as amended, was again taken up.

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

Senator Goode moved that **SS No. 2** for **SB 209**, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, **SS No. 2** for **SB 209**, as amended, was declared perfected and ordered printed.

Senator Caskey moved that **SB 336**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Caskey, **SS** for

**SB 336** was withdrawn.

**SB 336** was again taken up.

Senator House offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Bill No. 336, Page 2, Section 376.681, Line 19, by adding:

"(3) If the court finds that the insurer's request is not in good faith, the court may assess a penalty against the insurer in an amount not to exceed the limits of its coverage."

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

Senator Singleton offered **SA 2**:

**SENATE AMENDMENT NO. 2**

Amend Senate Bill No. 336, Page 1, In the Title, Line 2, by striking the following: "contracts of"; and

Further amend said bill, page 2, Section 376.681, line 19, by inserting after all of said line the following:

**"376.1400. 1. Every health insurance carrier offering policies of insurance in this state shall use a standardized form for the explanation of benefits given to the health care provider whenever a claim is paid or denied. As used in this section, the term "health insurance carrier" shall have the meaning given to "health carrier" in section 376.1350. Nothing in this section shall apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term care or other limited benefit health insurance policies.**

**2. The standardized form developed by the task force as established in section 376.1408 shall contain, but not be limited to, the following:**

- (1) The name of the insured;**
- (2) The insured's identification number;**
- (3) The date of service;**
- (4) Amount of charge;**
- (5) Explanation for any denial;**

**(6) The amount paid and any balance due;**

**(7) The procedure code;**

**(8) The patient's full name; and**

**(9) The phone number and name of whom to contact for questions on explanation of benefits.**

**3. All health insurance carriers shall use the standard explanation of benefits form after January 1, 2001.**

**376.1406. 1. Every health care provider and health carrier that conducts business in this state shall use a standardized form for referrals. The standardized referral form shall be used in lieu of any specific referral form developed by a health carrier for the referral process. As used in this section, the terms "health care provider" and "health carrier" shall have the meaning given to them in section 376.1350.**

**2. The referral form developed by the task force as established in section 376.1408 shall contain, but not be limited to, the following:**

- (1) The name of the insured;**
- (2) Place of employment;**
- (3) The name, address and phone number of the health carrier;**
- (4) The identification number and group number of the insured;**
- (5) The type of referral;**
- (6) The name, address and phone number of the health care provider referring the insured;**
- (7) The name, address, and phone number of the health care provide of whom the insured was referred to;**
- (8) The number of visits requested and authorized; and**
- (9) The health carrier's authorization number.**

**3. All health care providers and health carriers shall use the standardized referral form after January 1, 2001.**

**376.1408. 1. The department of insurance**



shall establish a task force to develop the standardized forms required by sections 376.1400 and 376.1406. The task force shall meet for soliciting information to develop the standardized forms. The task force shall consist of the following members:

- (1) Three health care providers;
- (2) Three representatives from the insurance industry; and
- (3) Three members from the general public.

2. No member of the task force shall receive compensation for the performance of duties related to the task force but shall be reimbursed for reasonable and necessary expenses incurred in the performance of such duties.

3. The department of insurance shall have the task force established by January 1, 2000."; and

Further amend the title and enacting clause accordingly.

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

Senator House offered SA 3:

#### SENATE AMENDMENT NO. 3

Amend Senate Bill No. 336, Page 2, Section 376.681, Line 19, by adding after all of said line the following:

"3. An insurer shall have no right to intervene under this section unless it obtains the written consent of its insured in the following form: "By purchasing this coverage, I understand and agree that if someone makes a claim against me, the insurance company can sue me to try to avoid providing me with coverage, even if I have paid my premiums. I further agree that if a court decides that the insurance company does not have to defend me, I can be responsible for paying the court costs incurred by the insurance company in suing me. I shall owe such costs in addition to the premiums I pay for my policy."

Senator House moved that the above amendment be adopted.

At the request of Senator Caskey, **SB 336**, with **SA 3** (pending), was placed on the Informal Calendar.

Senator Schneider moved that **SB 70**, with **SCS**, and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SCS** for **SB 70** was again taken up.

Senator Mueller offered SA 1:

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 70, Page 30, Section 407.825, Line 18, by inserting immediately after all of said line the following:

"Section 1. The provisions of section 407.825 of this act shall not apply to any dealer franchise sanctioned and approved by the Missouri department of revenue which sells vehicles provided by a manufacturer which assembles motor vehicles within the state of Missouri."; and

Further amend the title and enacting clause accordingly.

Senator Mueller moved that the above amendment be adopted.

Senator Flotron raised the point of order that **SS** for **SCS** for **SB 70** is out of order as it goes beyond the scope and intent of the original bill.

The point of order was referred to the President Pro Tem.

Senator Mathewson raised the point of order that **SCS** for **SB 70** is out of order as it goes beyond the scope and intent of the original bill.

The point of order was referred to the President Pro Tem.

President Pro Tem Quick ruled both points of order well taken, rendering SA 1 moot.

At the request of Senator Schneider, **SB 70** was placed on the Informal Calendar.

Senator Wiggins assumed the Chair.

Senator Caskey moved that **SB 336**, with **SA 3** (pending), be called from the Informal Calendar

and again taken up for perfection, which motion prevailed.

**SA 3** was again taken up.

At the request of Senator Caskey, **SB 336**, with **SA 3** (pending), was placed on the Informal Calendar.

Senator Schneider moved that **SB 70** be taken up for perfection, which motion prevailed.

Senator Mathewson assumed the Chair.

At the request of Senator Schneider, **SB 70** was placed on the Informal Calendar.

Senator Johnson moved that **SB 345**, with **SCA 1**, be taken up for perfection, which motion prevailed.

**SCA 1** was taken up.

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

Senator Johnson offered **SS** for **SB 345**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 345

An Act to repeal section 188.015, RSMo 1994, and to enact in lieu thereof two new sections relating to abortion and infanticide, including infanticide during the birth process commonly referred to as "partial birth abortion", with penalty provisions.

Senator Johnson moved that **SS** for **SB 345** be adopted.

At the request of Senator Johnson, **SB 345**, with **SS** (pending), was placed on the Informal Calendar.

### REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules and Resolutions, to which was referred **SS** for **SCS** for **SB 467**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

Senator Johnson, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **HB 153**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

### REFERRALS

President Pro Tem Quick referred **SCS** for **SB 233** to the Committee on State Budget Control.

### 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 268**, entitled:

An Act to repeal section 190.307, RSMo 1994, relating to civil liability of certain emergency telephone service providers, and to enact in lieu thereof one new section relating to the same subject.

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 499**, entitled:

An Act to repeal section 115.647, RSMo 1994, relating to election authorities, and to enact in lieu thereof one new section relating to the same subject.

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 789**, entitled:

An Act to repeal section 29.230, RSMo 1994, relating to the powers of the state auditor, and to enact in lieu thereof one new section relating to the same subject.

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 426**, entitled:

An Act to repeal sections 71.190, 210.010, 210.020, 210.360, 210.370, 210.380, 210.390, 210.400, 210.410, 210.420, 210.430, 210.440, 210.450, 210.460, 210.470, 211.191, 542.220, 542.230 and 559.341, RSMo 1994, relating to children.

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 550**, entitled:

An Act relating to maintenance of records for long-term care facilities.

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 548**, entitled:

An Act to repeal section 144.014, RSMo Supp. 1998, relating to sales tax on food, and to enact in lieu thereof one new section relating to the same subject.

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 846**, entitled:

An Act to repeal section 630.405, RSMo Supp. 1998, relating to purchase of services by the state, and to enact in lieu thereof one new section relating to the same subject.

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 266**, entitled:

An Act to repeal section 559.021, RSMo Supp. 1998, relating to conditions of probation, and to enact in lieu thereof one new section relating to the same subject, 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 847**, entitled:

An Act relating to political subdivisions operating as ambulance 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 **HB 745**, entitled:

An Act to repeal section 67.582, RSMo Supp. 1998, relating to sales taxation, and to enact in lieu thereof one new section relating to the same subject.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## RESOLUTIONS

Senator Steelman offered Senate Resolution No. 492, regarding Crawford County R-II

Elementary School, Cuba, which was adopted.

Senator Yeckel offered Senate Resolution No. 493, regarding Jason Buechlein, St. Louis, which was adopted.

### INTRODUCTIONS OF GUESTS

Senator Staples introduced to the Senate, Ginger Adams and students from the Eminence School District.

Senator Sims introduced to the Senate, her grandchildren, Patrick and Maggie Duff, McLean, Virginia; and Patrick and Maggie were made honorary pages.

Senator Jacob introduced to the Senate, fourth grade students from Fairview Elementary School, Columbia.

Senator Wiggins introduced to the Senate, Suzanne Gau and Jordan B. Cherrick, St. Louis.

Senator DePasco introduced to the Senate, the Chamber of Commerce Leadership Class from Independence.

Senator Schneider introduced to the Senate, Rachel Wisdom and Lindsay Wendel, St. Louis County; and Rachel and Lindsay were made honorary pages.

Senator Sims introduced to the Senate, Eydie and Joshua Miller and Paul Richardson, St. Louis County; and Joshua was made an honorary page.

Senator Singleton introduced to the Senate, Diane Sharits, Carthage.

Senator Stoll introduced to the Senate, two hundred and forty students from Fox C-6 Junior High School, Jefferson County.

Senator Singleton introduced to the Senate, Ryan Marlow and Kimberly Gilman, Joplin.

Senator Childers introduced to the Senate, David Gohn, Paul Childers and Moe Sandfort, West Plains.

Senator Childers introduced to the Senate, Judy Geren and eight high school students from Clever School, Christian County.

Senator Childers introduced to the Senate, Stan, Nan, Justin and Kate Bess, Branson.

Senator Staples introduced to the Senate, the Physician of the Day, Dr. Gene Leroux, M.D., Doniphan.

Senator Bentley introduced to the Senate, Allen Casey and David Knight, Springfield.

Senator Caskey introduced to the Senate, Leah Wilson, Jana Miller, Donna Warner, John Brooks, Laura Andrew, Diana Hoemann and eighth grade students from Warrensburg Middle School, Warrensburg.

Senator Singleton introduced to the Senate, Steve Marble, Gina Crose and Jennifer Koester, Neosho.

Senator Kenney introduced to the Senate, Bret, Andrew and Laurel Morton, Homeschoolers from Lee's Summit; and Bret and Andrew were made honorary pages.

Senator Caskey introduced to the Senate, Monique Agueros, Jason Plummer, Al Voelker and eighth grades students from Warrensburg Middle School, Warrensburg.

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

### SENATE CALENDAR

—————  
 FORTY-SEVENTH DAY—THURSDAY, APRIL 1, 1999  
 —————

### FORMAL CALENDAR

### HOUSE BILLS ON SECOND READING

HB 268-Crawford, et al  
 HB 499-Hartzler (123rd)

HB 789-Berkstresser and  
 Bartelsmeyer

HB 426-Ridgeway and May  
(108th)  
HB 550-Howerton, et al  
HB 548-Kennedy

HB 846-Carter  
HB 266-Britt, et al  
HB 847-Relford  
HB 745-Kreider

### THIRD READING OF SENATE BILLS

SS for SCS for SB 19-Goode  
(In Budget Control)  
SCS for SB 425-Stoll, et al

SCS for SB 233-Sims  
(In Budget Control)  
SCS for SB 386-Clay  
SS for SCS for SB 467-Caskey

### SENATE BILLS FOR PERFECTION

1. SB 506-Wiggins  
2. SJR 17-Mueller  
3. SB 397-Maxwell, with SCS  
4. SB 316-Schneider and  
Ehlmann  
5. SBs 75, 381 & 204-  
Wiggins, with SCS  
6. SB 97-Maxwell and  
Sims, with SCAs 1 & 2  
7. SB 89-Mueller  
8. SBs 328, 87, 100 & 55-  
Clay, et al, with SCS  
9. SB 451-Singleton  
10. SB 71-Schneider

11. SBs 392, 393 & 267-  
Goode, with SCS  
12. SBs 387, 206 & 131-  
Clay, with SCS  
13. SB 351-Johnson and  
Russell, with SCS  
14. SB 359-Mueller, et al  
15. SB 472-House  
16. SB 441-Schneider,  
with SCS  
17. SB 455-Stoll, et al,  
with SCA 1  
18. SB 30-Howard, with SCS

### INFORMAL CALENDAR

### SENATE BILLS FOR PERFECTION

SBs 1, 92, 111, 129 & 222-  
Schneider, with SCS &  
SA 8 (pending)  
SB 5-Wiggins

SB 70-Schneider  
SB 78-Russell, with SA 4  
(pending)

SB 179-Goode, with SA 3 &  
 SSA 1 for SA 3  
 (pending)  
 SB 203-Wiggins  
 SB 235-Stoll, with SS &  
 SA 2 (pending)  
 SB 318-Jacob, et al, with  
 SCS & SS for SCS  
 (pending)  
 SB 336-Caskey, with SA 3  
 (pending)

SB 339-Howard and Sims,  
 with SCS, SS for SCS,  
 SA 1 & SSA 1 for SA 1  
 (pending)  
 SB 345-Johnson, with SS  
 (pending)  
 SBs 347, 40, 241 & 301-  
 House, with SCS, SS for  
 SCS & SA 4 (pending)  
 SB 417-Quick, with SS  
 (pending)

Unofficial

CONSENT CALENDAR

House Bills

Reported 3/31

HB 153-Leake, et al (Maxwell)

Journal

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

Requests to Recede or Grant Conference

HCS for HCRs 6 & 7 (Staples),  
 with SA 1, as amended & SA 2  
 (Senate refuses to recede and  
 requests House grant conference)

Copy

RESOLUTIONS

SR 359-Ehlmann

SCR 9-Mueller

Reported from Committee

SCR 15-Maxwell, with SCS  
 SCR 13-Stoll

SCR 18-Ehlmann  
 HCR 10-Williams (121st)  
 (Caskey)