

Journal of the Senate

FIRST REGULAR SESSION

SEVENTIETH DAY—THURSDAY, MAY 10, 2001

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

Evangelist Bruce Wilkinson tells us: "Although most Americans believe in prayer, they save it for emergencies," but should pray like Jabez in a daily mantra for God's wealth of Spirit, to ask God "to bless me indeed." (And) "God granted him what he requested."

Almighty God, King of the Universe, "Oh, that You would bless us indeed and enlarge our territory, that Your hand would be with us, and that You would keep us from evil, that we may not cause pain." Amen (paraphrased prayer of Jabez, I Chronicles 4:10)

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 KOMU-TV, KMIZ-TV and WGEM, Quincy, Illinois, were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider

Scott	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

Absent with leave—Senator Carter—1

The Lieutenant Governor was present.

President Maxwell assumed the Chair.

RESOLUTIONS

Senators Wiggins, DePasco and Quick, joined by the entire membership of the Senate, offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 779

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the tragic death of an outstanding young member of the Kansas City Police Department, Officer Craig Schultz; and

WHEREAS, Officer Schultz, an eleven year veteran of strong law enforcement and outstanding service to the people of Kansas City, died yesterday on his way to enforce the laws in a motorcycle accident; and

WHEREAS, Officer Schultz joined the Kansas City Police Department in 1990 and worked in several divisions of the Department and then was transferred to the enforcement unit:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations for a moment of silent prayer to salute the memory of an outstanding law enforcement officer, Officer Craig Schultz, express their appreciation for his lifetime of service to the Kansas City community and to the Police Department, and express our deepest sympathy to his wife and family and to the members of the Kansas City Police Department; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for his wife and family and the Kansas City Police Department.

Senator Goode offered Senate Resolution No. 780, regarding Dr. Gary K. Wright, St. Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senator Rohrbach moved that **SCR 31**, with **SCA 1**, be taken up for adoption, which motion prevailed.

SCA 1 was taken up.

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

On motion of Senator Rohrbach, **SCR 31**, as amended, was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bentley	Bland	Jacob	Schneider
Scott	Staples—6		

Absent with leave—Senator Carter—1

CONFERENCE COMMITTEE REPORTS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 9**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 9

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 9, begs leave to report that we, after open, free and fair discussion of the differences between the House

and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 9.
2. That the House recede from its position on House Committee Substitute for House Bill No. 9.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 9, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John T. Russell	/s/ Timothy P. Green
/s/ Larry Rohrbach	/s/ Yvonne S. Wilson
/s/ Morris Westfall	/s/ Glenda Kelly
/s/ Wayne Goode	/s/ Ken Legan
/s/ Harry Wiggins	/s/ Larry Crawford

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Jacob	Mathewson—2
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Absent with leave—Senator Carter—1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 9**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 9

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department

of Corrections, the Board of Public Buildings, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2001 and ending June 30, 2002.

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

YEAS—Senators

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

Yeckel—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 10**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 10

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 10, as amended, begs leave to report that we, after open, free and fair discussion of the differences between

the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 10, as amended.
2. That the House recede from its position on House Committee Substitute for House Bill No. 10.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 10, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John T. Russell	/s/ Timothy P. Green
/s/ Larry Rohrbach	Yvonne S. Wilson
/s/ Morris Westfall	Vicky Wilson
/s/ Wayne Goode	/s/ Charlie Shields
/s/ Harry Wiggins	/s/ Pat Naeger

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Schneider—1

Absent with leave—Senator Carter—1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 10**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 10

An Act to appropriate money for the expenses,

grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health, and the several divisions and programs thereof and the Missouri Health Facilities Review Committee to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2001 and ending June 30, 2002.

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

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Jacob—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 11**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 11

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, as

amended, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 11, as amended.
2. That the House recede from its position on House Committee Substitute for House Bill No. 11.
3. That the attached Conference Committee Substitute for Senate Committee Substitute, for House Committee Substitute for House Bill No. 11, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John T. Russell	/s/ Timothy P. Green
/s/ Larry Rohrbach	/s/ Charles Q. Troupe
/s/ Morris Westfall	/s/ Marsha Campbell
/s/ Wayne Goode	/s/ Pat Kelley
/s/ Harry Wiggins	/s/ Pat A. Naeger

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Quick
Rohrbach	Russell	Schneider	Scott
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Mathewson—1

Absent with leave—Senator Carter—1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 11**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 11

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2001 and ending June 30, 2002.

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

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

PRIVILEGED MOTIONS

Senator Klarich moved that the Senate refuse to concur in **HCS** for **SB 304** and request the House to recede from its position and failing to do so, grant the Senate a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE REPORTS

Senator Childers, on behalf of the conference

committee appointed to act with a like committee from the House on **HCS** for **SCS** for **SB 151**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 151

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House, on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 151; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Committee Substitute for Senate Bill No. 151;
2. That the Senate recede from its position on Senate Committee Substitute for Senate Bill No. 151; and
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Committee Substitute for Senate Bill No. 151 be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Doyle Childers	/s/ Sam Gaskill, 131
/s/ Roseann Bentley	/s/ Blaine Luetkemeyer 115
/s/ Chuck Gross	/s/ Dan Ward
/s/ Stephen Stoll	/s/ Bill Luetkenhaus
/s/ Sidney Johnson	/s/ Chris Liese

Senator Childers moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senator Rohrbach—1

Absent—Senator Scott—1

Absent with leave—Senator Carter—1

On motion of Senator Childers, **CCS** for **HCS** for **SCS** for **SB 151**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 151

An Act to amend chapter 379, RSMo, by adding thereto three new sections relating to motor vehicle insurance.

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

YEAS—Senators

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

NAYS—Senator Rohrbach—1

Absent—Senator Scott—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

HOUSE BILLS ON THIRD READING

HCS for **HBs 205, 323** and **549**, with **SCS**, entitled:

An Act to repeal sections 252.043, 254.020, 254.040 and 270.170, RSMo 2000, relating to the conservation commission, and to enact in lieu

thereof nine new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Childers.

SCS for **HCS** for **HBs 205, 323** and **549**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILLS NOS. 205, 323 and 549

An Act to repeal sections 135.305, 252.040, 252.043, 254.020, 254.040 and 270.170, RSMo 2000, relating to conservation, and to enact in lieu thereof thirteen new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Childers moved that **SCS** for **HCS** for **HBs 205, 323** and **549** be adopted, which motion prevailed.

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator Childers moved that the vote by which **SCS** for **HCS** for **HBs 205, 323** and **549** was adopted, be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Bland	Caskey	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Jacob	Klarich
Klindt	Mathewson	Rohrbach	Russell
Schneider	Scott	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—24

NAYS—Senators

Bentley	Cauthorn	Johnson	Kenney
Kinder	Loudon	Sims—7	

Absent—Senators

Quick Singleton—2

Absent with leave—Senator Carter—1

SCS for **HCS** for **HBs 205, 323** and **549** was again taken up.

Senator Staples offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 205, 323 and 549, Page 5, Section 254.040, Line 19, by inserting after all of said line the following:

“254.070. 1. The commission may classify as forest croplands any lands conveyed to the state for use of the commission. The commission shall pay to the county wherein the state-owned and classified lands are situated a certain sum from the conservation commission fund as a grant in lieu of taxes thereon, which sum shall be set by the commission at not less than [fifty cents] **one dollar** per acre per year.

2. The grants in lieu of taxes so received by the respective counties shall be placed in the general revenue fund of each such county.

3. The commission shall annually certify to the commissioner of administration and the state auditor the acreage of such lands and the amount payable to each county under the provisions hereof and the treasurer is authorized to pay, and, after appropriations are made as herein provided, such amounts shall be paid to such counties on or before the first day of January following the certification. This section shall not be retroactive.”; and

Further amend the title and enacting clause accordingly.

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

Senator Gross assumed the Chair.

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

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 205, 323 and 549, Page 6, Section 270.400, Line 15, by inserting after said line the following:

“**Section 1. Notwithstanding any other law to the contrary, no director of the Missouri Department of Conservation may serve as director for a period longer than four years.**”; 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 2** was withdrawn.

Senator Childers moved that **SCS** for **HCS** for **HBs 205, 323 and 549** be adopted, which motion prevailed.

On motion of Senator Childers, **SCS** for **HCS** for **HBs 205, 323 and 549** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Goode—1

Absent—Senators

Bland	Scott	Singleton—3
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Absent with leave—Senator Carter—1

The President declared the bill passed.

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 Foster moved that motion lay on the table, which motion prevailed.

HB 662, with **SCS**, introduced by Representatives Green (73) and St. Onge, entitled:

An Act to amend chapter 436, RSMo, by adding thereto nine new sections relating to retainage in private building contracts.

Was taken up by Senator Foster.

SCS for **HB 662**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 662

An Act to amend chapter 436, RSMo, by adding thereto nine new sections relating to retainage in private building contracts.

Was taken up.

Senator Foster moved that **SCS** for **HB 662** be

adopted.

President Maxwell assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Bill No. 662, Page 1, Section 436.300, Line 9, by adding after the period (.) on said line the following: **“The word “owner” as used in sections 436.300 to 436.324 shall include public entities.”**.

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

Senator Yeckel offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Bill No. 662, Pages 1-2, Section 436.303, Lines 9-11, by deleting the following:

“An owner may only withhold retainage when the owner pays the contractor within thirty days after receiving an invoice from the contractor.”.

Senator Yeckel moved that the above amendment be adopted.

At the request of Senator Foster, **HB 662**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Kinder referred **HCS** for **HB 780**, with **SCS**, 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 **HS** for **HCS** for **HB 1000**, entitled:

An Act to repeal sections 128.345 and 128.346, RSMo 2000, and to enact in lieu thereof eleven new sections relating to the composition of congressional 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 adopted **SCS** for **HB 242**, as amended, and has taken up and passed **SCS** for **HB 242**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 202** and has taken up and passed **SCS** for **HB 202**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 361** and has taken up and passed **SCS** for **HB 361**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 473** and has taken up and passed **SCS** for **HB 473**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 904** and has taken up and passed **SCS** for **HB 904**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **HCR 33**.

HOUSE CONCURRENT RESOLUTION NO. 33

WHEREAS, Agramarke Quality Grains, Inc., a Missouri cooperative association, will provide economic development for the St. Joseph area; and

WHEREAS, the United States Department of Agriculture emphasizes the importance of guiding agriculture toward value-added opportunities; and

WHEREAS, agricultural producers will own 100% of the

facility, provide over 110 jobs in the area, and realize between three and five million dollars per year in profits and premiums; and

WHEREAS, the facility purchase price is far below the price of new construction and will provide a new purpose for the Quaker Oats facility which has been in existence since 1926; and

WHEREAS, the United States Department of Agriculture provides many beneficial programs which will be crucial to the success of the project; and

WHEREAS, without the assistance of the United States Department of Agriculture programs, this young company may never develop; and

WHEREAS, the United States Department of Agriculture maintains a community population requirement of 50,000 for use of rural development economic incentive programs; and

WHEREAS, the city of St. Joseph remains not far above the threshold with a population of approximately 75,000:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, First Regular Session, the Senate concurring therein, hereby urge the United States Department of Agriculture to grant a waiver for Agramarke Quality Grains, Inc., for development in St. Joseph, Missouri, to allow Agramarke to qualify for rural development economic incentive programs; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives, Secretary Ann M. Veneman of the United States Department of Agriculture and each member of the Missouri congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS for HCS for HB 491** and has taken up and passed **CCS for SCS for HB 491**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS for HCS for HB 13** and has taken up and passed **CCS for SCS for HCS for HB 13**.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the conferees on **SCS for HCS for HB 14** be allowed to exceed the differences.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS for HB 16** and has taken up and passed **CCS for SCS for HB 16**.

PRIVILEGED MOTIONS

Senator Russell moved that the Senate conferees on **SCS for HCS for HB 14** be allowed to exceed the differences, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Sims offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 34

WHEREAS, May is Older Americans Month and persons 65 years and older represent 1 in every 8 Americans; and

WHEREAS, the elderly population continues to grow due to increased life expectancies, but with an increased risk of chronic health conditions that may threaten an older person's independence; and

WHEREAS, the number of households headed by a person over 65 is expected to rise by approximately 300,000 per year in the next decade and the need for adequate housing alternatives will increase; and

WHEREAS, the State of Missouri should assist its elderly citizens in navigating the constantly changing housing marketplace and finding appropriate housing in private homes or apartments, assisted living, residential care or skilled nursing care if necessary:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, that a Joint Legislative Interim Committee on Housing Alternatives for the Elderly be created to be composed of five members of the Senate, to be appointed by the President Pro Tem of the Senate, and five members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that said committee shall investigate the broad spectrum of housing options for Missouri citizens over 65 years of age and make any recommendations it deems appropriate concerning this issue; and

BE IT FURTHER RESOLVED that said committee prepare a final report, together with its recommendations for any legislative action it deems necessary for submission to the General Assembly

prior to the commencement of the Second Regular Session of the Ninety-first General Assembly; and

BE IT FURTHER RESOLVED that House Research and Senate 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 actual and necessary expenses of the committee, its members and any staff personnel assigned to the committee incurred in attending meetings of the committee or any subcommittee thereof shall be paid from the Joint Contingent Fund.

On motion of Senator Kenney, the Senate recessed for an hour and a half until 1:40 p.m.

RECESS

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

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 adopted **SCS** for **HB 17**, as amended, and has taken up and passed **SCS** for **HB 17**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 19** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 19**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 18** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 18**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **SCR 23**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted and third read **SCR 27**.

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 **SB 371**, entitled:

An Act to repeal sections 104.010, 104.170, 104.312, 104.330, 104.339, 104.345, 104.372, 104.374, 104.380, 104.395, 104.401, 104.420, 104.450, 104.515, 104.518, 104.530, 104.600, 104.601, 104.602, 104.1003, 104.1021, 104.1024, 104.1027, 104.1030, 104.1039, 104.1051, 104.1072, 104.1078, 104.1093 and 476.524, RSMo 2000, relating to certain public retirement systems administered pursuant to chapter 104, RSMo, and to enact in lieu thereof thirty-five new sections relating to the same subject.

With House Amendments Nos. 2, 5, 6 and House Perfecting Amendment No. 1.

HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Bill No. 371, Page 13, Section 104.170, Line 20 of said page, by inserting after all of said line the following:

“104.175. The state highways and transportation commission is authorized, when requested by the highways and transportation employees’ and highway patrol retirement system, to provide liability insurance covering the operation of all vehicles owned or leased or used by the system. The commission is also authorized, when requested by the system, to provide workers’ compensation coverage for the executive director and employees of the system. In the event the commission provides such insurance coverage, the system shall reimburse the commission for all costs of such coverage.”;
and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 5

Amend House Substitute for House

Committee Substitute for Senate Bill No. 371, Page 87, Section 476.524, Line 8 of said page, by inserting after said line the following:

“Section 1. 1. Any person who has been appointed or employed as a legal advisor pursuant to section 286.010, RSMo, prior to August 28, 2001, who is receiving or thereafter is qualified to receive retirement benefits pursuant to section 104.374, RSMo, shall upon application be made, constituted, appointed and employed by the board of trustees of the Missouri state employees’ retirement system as a special consultant on the problems of retirement, aging and other state matters for the remainder of the person’s life. Upon request of the board or the administrative hearing commission, the consultant shall give opinions or be available to give opinions in writing or orally in response to such requests. As compensation for such services and in lieu of receiving benefits pursuant to section 104.374, RSMo, each such special consultant shall be eligible for all benefits payable pursuant to sections 287.812 to 287.856, RSMo, effective upon the later of August 28, 1999, or the date retirement benefits become payable. In no event shall retroactive benefits be paid.

2. The term “legal advisor” as defined in subdivision (6) of section 287.812, RSMo, shall be deemed to include any attorney or legal counsel appointed or employed pursuant to section 286.010, RSMo.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for Senate Bill No. 371, Page 87, Section 476.524, Line 8, by inserting after all of said line the following:

“Section 1. For the purposes of public retirement systems administered pursuant to chapter 104, RSMo, any reference to the term “spouse” only recognizes marriage between a man and a woman.”; and

Further amend the title, enacting clause and

intersectional references accordingly.

HOUSE PERFECTING AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for Senate Bill No. 0371, Section 1 as adopted by House Amendment 5, by deleting both occurrences of the following: **“286.010”** and inserting in lieu thereof the following: **“286.070”**.

In which the concurrence of the Senate is respectfully requested.

CONFERENCE COMMITTEE REPORTS

Senator Rohrbach, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SS** for **SB 193**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE BILL NO. 193

Mr. President: Your Conference Committee, appointed to confer with a like committee of the Senate, on House Committee Substitute for Senate Substitute for Senate Bill No. 193, with House Amendments Nos. 1 and 2; begs leave to report that we, after free and fair discussion of the differences between the House and Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on House Committee Substitute for Senate Substitute for Senate Bill No. 193, with House Amendments Nos. 1 and 2;

2. That the House recede from its position on House Amendments Nos. 1 and 2 to House Committee Substitute for Senate Substitute for Senate Bill No. 193;

3. That the attached Conference Committee Amendment No. 1 be adopted;

4. That House Committee Substitute for Senate Substitute for Senate Bill No. 193, with

Conference Committee Amendment No. 1 be truly agreed to and finally passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ Larry Rohrbach	/s/ Steve Henderson
/s/ David G. Klindt	/s/ Chuck Surface
/s/ Bill Kenney	/s/ Dan Ward
/s/ John E. Scott	/s/ Bill Luetkenhaus
/s/ Ken Jacob	/s/ Chris Liese

CONFERENCE COMMITTEE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill No. 193, Page 1, In the Title, Line 6, by striking the word “thirty-one” and inserting in lieu thereof the word “thirty”; and

Further amend said bill, Page 1, Section A, Line 5, by striking the word “thirty-one” and inserting in lieu thereof the word “thirty”; and further amend line 7, by striking the following: “, 375.023”; and

Further amend said bill, Pages 1-2, Section 148.400, Lines 1-10, by striking all of said lines and inserting in lieu thereof the following:

“148.400. All insurance companies or associations organized in or admitted to this state may deduct from premium taxes payable to this state, in addition to all other credits allowed by law, income taxes, franchise taxes, personal property taxes, valuation fees, registration fees and examination fees paid, including taxes and fees paid by the attorney in fact of a reciprocal or interinsurance exchange to the extent attributable to the principal business as such attorney in fact, under any law of this state. **Unless rejected by the general assembly by April 1, 2003, for all tax years beginning on or after January 1, 2003, a deduction for examination fees which exceeds an insurance company’s or association’s premium tax liability for the same tax year shall not be refundable, but may be carried forward to any subsequent tax year, not to exceed five years, until the full deduction is claimed; except that, notwithstanding the provisions of section 148.380, if any deduction is claimed through the carryforward provisions of this section, it shall**

be credited wholly against the general revenue fund and shall not cause a reduction in revenue to the county foreign insurance fund.”; and

Further amend said bill, Page 6, Section 375.014, Line 53, by inserting at the end of said line the following: “**or**”; and further amend line 55, by striking the following: “; **or**” and inserting in lieu thereof the following: “.”; and further amend lines 56-59, by striking all of said lines; and

Further amend said bill, Page 19, Section 375.023, Line 1, by striking the following: “**375.023. 1.**” and inserting in lieu thereof the following: “**5.**”; and further amend pages 20 and 21, by renumbering the subsections and amending the intersectional references accordingly; and

Further amend said bill, Page 27, Section 375.076, Line 10, by inserting immediately after the word “**person**” the word “**for**”; and

Further amend said bill, Page 36, Section B, Lines 5-6, by striking the following: “sections 375.015 and 375.023” and inserting in lieu thereof the following: “section 375.015”.

Senator Rohrbach moved that the above conference committee report be adopted.

At the request of Senator Rohrbach, the motion to adopt the conference committee report was withdrawn.

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 13**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 13

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 13, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 13.
2. That the House recede from its position on House Committee Substitute for House Bill No. 13.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 13, be truly agreed to and finally passed.

furniture; and structural modifications for new FTE for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2003.

FOR THE SENATE: FOR THE HOUSE:

/s/ John T. Russell /s/ Timothy P. Green
 /s/ Larry Rohrbach /s/ Dennis Bonner
 /s/ Morris Westfall /s/ Louis Ford
 /s/ Wayne Goode /s/ Ken Legan
 /s/ Harry Wiggins /s/ Chuck Purgason

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

YEAS—Senators
 Bland Caskey Cauthorn Childers
 DePasco Dougherty Foster Gibbons
 Goode Gross House Jacob
 Johnson Kenney Kinder Klarich
 Klindt Loudon Mathewson Quick
 Rohrbach Russell Schneider Scott
 Sims Singleton Steelman Stoll
 Westfall Wiggins Yeckel—31

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

NAYS—Senators—None

YEAS—Senators

Caskey Cauthorn Childers DePasco
 Dougherty Foster Gibbons Goode
 Gross House Jacob Johnson
 Kenney Kinder Klarich Klindt
 Loudon Mathewson Quick Rohrbach
 Russell Schneider Sims Steelman
 Stoll Westfall Wiggins Yeckel—28

Absent—Senators

Bentley Staples—2

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

NAYS—Senators—None

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

Absent—Senators

Bentley Bland Scott Singleton
 Staples—5

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

Absent with leave—Senator Carter—1

On motion of Senator Russell, CCS for SCS for HCS for HB 13, entitled:

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on SCS for HB 16, submitted the following conference committee report:

CONFERENCE COMMITTEE SUBSTITUTE
 FOR SENATE COMMITTEE SUBSTITUTE
 FOR HOUSE COMMITTEE SUBSTITUTE
 FOR HOUSE BILL NO. 13

CONFERENCE COMMITTEE REPORT ON
 SENATE COMMITTEE SUBSTITUTE FOR
 HOUSE BILL NO. 16

An Act to appropriate money for real property leases, related services, utilities, and systems

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House

Bill No. 16, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 16.
2. That the House recede from its position on House Bill No. 16.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 16, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John T. Russell /s/ Timothy P. Green
 /s/ Larry Rohrbach /s/ Chuck Graham
 /s/ Morris Westfall /s/ Louis Ford
 /s/ Wayne Goode /s/ Charlie Shields
 /s/ Harry Wiggins /s/ Carl Bearden

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators
 Bland Caskey Cauthorn Childers
 DePasco Dougherty Foster Gibbons
 Goode Gross House Jacob
 Johnson Kenney Kinder Klarich
 Klindt Mathewson Rohrbach Russell
 Schneider Scott Sims Singleton
 Steelman Stoll Westfall Wiggins
 Yeckel—29

NAYS—Senator Loudon—1

Absent—Senators

Bentley Quick Staples—3

Absent with leave—Senator Carter—1

On motion of Senator Russell, **CCS** for **SCS** for **HB 16**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
 FOR SENATE COMMITTEE SUBSTITUTE
 FOR HOUSE BILL NO. 16

An Act to appropriate money for capital

improvement and other purposes for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds herein designated for the period beginning July 1, 2001 and ending June 30, 2003.

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

YEAS—Senators
 Bentley Bland Caskey Cauthorn
 Childers DePasco Dougherty Foster
 Gibbons Goode Gross House
 Jacob Johnson Kenney Kinder
 Klarich Klindt Loudon Mathewson
 Rohrbach Russell Schneider Scott
 Sims Singleton Steelman Stoll
 Westfall Wiggins Yeckel—31

NAYS—Senators—None

Absent—Senators

Quick Staples—2

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 18**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
 SENATE COMMITTEE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 HOUSE BILL NO. 18

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 18, as

amended, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 18, as amended.
2. That the House recede from its position on House Committee Substitute for House Bill No. 18.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 18, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John T. Russell /s/ Timothy P. Green
 /s/ Larry Rohrbach /s/ Chuck Graham
 /s/ Morris Westfall /s/ Louis Ford
 /s/ Wayne Goode /s/ Ken Legan
 /s/ Harry Wiggins /s/ Carl Bearden

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Quick Staples—2

Absent with leave—Senator Carter—1

On motion of Senator Russell, CCS for SCS for HCS for HB 18, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
 FOR SENATE COMMITTEE SUBSTITUTE
 FOR HOUSE COMMITTEE SUBSTITUTE
 FOR HOUSE BILL NO. 18

An Act to appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities, including installation, modification, and renovation of facility components, equipment or systems, and to transfer money among certain funds.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Schneider Singleton Staples—3

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on SCS for HCS for HB 19, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
 SENATE COMMITTEE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 HOUSE BILL NO. 19

Mr. President: Your Conference Committee appointed to confer with a like committee from the

House on Senate Committee Substitute for House Committee Substitute for House Bill No. 19, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 19.
2. That the House recede from its position on House Committee Substitute for House Bill No. 19.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 19, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John T. Russell /s/ Timothy P. Green
 /s/ Larry Rohrbach /s/ Chuck Graham
 /s/ Morris Westfall /s/ Louis Ford
 /s/ Wayne Goode /s/ Charlie Shields
 /s/ Harry Wiggins /s/ Carl Bearden

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senator Carter—1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 19**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 19

An Act to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland Staples—2

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

REFERRALS

President Pro Tem Kinder referred **SCR 34** and **HCR 33** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

CONFERENCE COMMITTEE REPORTS

Senator Goode, on behalf of the Conference Committee appointed to act with a like committee from the House on **SCS** for **HB 491**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 491

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on Senate Committee Substitute for House Bill No. 491, begs leave to report that we, after free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 491;
2. That the House recede from its position on House Bill No. 491;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 491 be adopted.

FOR THE SENATE:

/s/ Wayne Goode
/s/ Michael R. Gibbons
/s/ John Schneider
/s/ Betty Sims
/s/ Anita Yeckel

FOR THE HOUSE:

/s/ Thomas E. George
/s/ Jim Foley
/s/ Esther Haywood
/s/ Elaine Luetkemeyer
/s/ Rod Jetton

Senator Goode moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senator Carter—1

On motion of Senator Goode, **CCS** for **SCS** for **HB 491**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 491

An Act to repeal sections 77.370 and 77.450, RSMo 2000, relating to certain municipalities, and to enact in lieu thereof two new sections relating to the same subject.

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

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Scott	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

Senator Gibbons assumed the Chair.

PRIVILEGED MOTIONS

Senator Scott moved that **SB 371**, with **HS** for **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HS for **HCS** for **SB 371**, as amended, entitled:

HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 371

An Act to repeal sections 104.010, 104.170,

104.312, 104.330, 104.339, 104.345, 104.372, 104.374, 104.380, 104.395, 104.401, 104.420, 104.450, 104.515, 104.518, 104.530, 104.600, 104.601, 104.602, 104.1003, 104.1021, 104.1024, 104.1027, 104.1030, 104.1039, 104.1051, 104.1072, 104.1078, 104.1093 and 476.524, RSMo 2000, relating to certain public retirement systems administered pursuant to chapter 104, RSMo, and to enact in lieu thereof thirty-five new sections relating to the same subject.

Was taken up.

Senator Scott moved that **HS** for **HCS** for **SB 371**, as amended, be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Schneider Staples—2

Absent with leave—Senator Carter—1

On motion of Senator Scott, **HS** for **HCS** for **SB 371**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Schneider Staples—2

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

President Maxwell assumed the Chair.

Senator Bland moved that the Senate refuse to concur in **HCS** for **SB 319**, as amended, and request the House to recede from its position, and failing to do so, grant the Senate a conference thereon, which motion prevailed.

HOUSE BILLS ON THIRD READING

HS for **HCS** for **HB 425**, entitled:

An Act to repeal sections 319.015, 319.022, 319.023, 319.024, 319.025, 319.026, 319.030, 319.045 and 319.050, RSMo 2000, relating to underground facility safety and damage prevention, and to enact in lieu thereof twelve new sections relating to the same subject, with an expiration date for a certain section.

Was taken up by Senator DePasco.

Senator DePasco offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 4, Section 319.022, Line 23 of said page, by inserting after all of said line the following:

“5. An annual audit or review of the notification center shall be performed by a certified public accountant and a report of the findings submitted to the speaker of the house of representatives and the president pro tem of the senate.”.

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

Senator Russell offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 4, Section 319.022, Lines 4 to 12, by deleting all of said lines and inserting in lieu thereof the following:

“2. A notification center shall file with the recorder of deeds, in every county wherein”; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Russell moved that the above amendment be adopted.

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

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

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 4, Section 319.022, Lines 3-11 of said page, by striking all of the boldfaced language from said lines; and

Further amend said bill, section and page, line 12, by striking the following: “3.”; and

Further amend said bill, page 4, section 319.023, line 11 of said page, by striking all of said line; and

Further amend said bill, page 6, section 319.025, line 7 of said page, by striking the opening bracket “[“; and further amend line 8 of said page, by striking the closing bracket “]” and inserting in lieu thereof the following: “**or the current list of**”; and further amend lines 8-9 of said page, by striking the following: “Prior to January 1, 2003,”; and further amend line 12, by striking the following: “Beginning”; and further amend lines 13-14 of said page, by striking all of boldfaced language from said lines; and

Further amend said bill and section, page 6, line 21 of said page, by striking all of the boldfaced language from said lines; and

Further amend said bill, page 6, section 319.026, line 3 of said page, by striking all of the boldfaced language from said line; and

Further amend said bill and section, page 7, line 38 of said page, by striking all of the boldfaced language from said lines; and

Further amend said bill and section, page 8, lines 51-53 of said page, by striking the following: “prior to the January 1, 2003, effective date for mandatory participation pursuant to section 319.022,”; and

Further amend said bill, page 12, section 319.041, lines 1-4 of said page, by striking all of said lines and inserting in lieu thereof the following:

“**319.041. Notwithstanding any provision of law to the contrary, nothing in this**”; and

Further amend said bill, page 12, section 319.045, line 4 of said page, by striking the following: “**prior to January**”; and

Further amend said bill, page and section, lines 5-6, by striking all of the boldfaced language from said lines.

Senator Cauthorn moved that the above substitute amendment be adopted.

Senator DePasco requested a roll call vote be taken on the adoption of **SSA 1** for **SA 2** and was joined in his request by Senators Cauthorn, Gibbons, Mathewson and Sims.

SSA 1 for **SA 2** failed of adoption by the following vote:

YEAS—Senators

Caskey	Cauthorn	Childers	Foster
Jacob	Johnson	Klindt	Mathewson
Rohrbach	Russell	Singleton	Staples
Steelman	Westfall—14		

NAYS—Senators

Bentley	Bland	DePasco	Dougherty
Gibbons	Goode	Gross	House
Kenney	Klarich	Loudon	Quick
Schneider	Scott	Sims	Stoll
Wiggins	Yeckel—18		

Absent—Senator Kinder—1

Absent with leave—Senator Carter—1

SA 2 was again taken up.

Senator Russell moved that the above amendment be adopted.

Senator Kenney requested a roll call vote be taken on the adoption of **SA 2** and was joined in his request by Senators Cauthorn, Stoll, Wiggins and Gibbons.

SA 2 failed of adoption by the following vote:

YEAS—Senators
 Caskey Cauthorn Childers Foster
 Johnson Klindt Mathewson Rohrbach
 Russell Singleton Staples Steelman
 Westfall—13

NAYS—Senators
 Bentley Bland DePasco Dougherty
 Gibbons Goode Gross House
 Jacob Kenney Loudon Quick
 Schneider Scott Sims Stoll
 Wiggins Yeckel—18

Absent—Senators
 Kinder Klarich—2

Absent with leave—Senator Carter—1

Senator Caskey offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 13, Section 319.050, Line 1, by inserting immediately after the numeral “319.050” the numeral “1.”; and further amend line 15, by inserting after all of said line the following:

“2. The provisions of sections 319.010 to 319.050 shall not apply to rural electric cooperatives organized pursuant to chapter 394, RSMo, nor to any small local exchange telecommunications company, as defined pursuant to section 386.020, RSMo.”.

Senator Caskey moved that the above amendment be adopted.

Senator Stoll requested a roll call vote be taken on the adoption of **SA 3** and was joined in his request by Senators DePasco, Gibbons, Gross and Kenney.

SA 3 failed of adoption by the following vote:

YEAS—Senators
 Caskey Cauthorn Childers Foster
 House Johnson Klindt Mathewson
 Rohrbach Russell Singleton Staples
 Steelman Westfall—14

NAYS—Senators
 Bentley Bland DePasco Dougherty
 Gibbons Goode Gross Jacob
 Kenney Klarich Loudon Quick
 Schneider Scott Sims Stoll
 Wiggins Yeckel—18

Absent—Senator Kinder—1

Absent with leave—Senator Carter—1

Senator Steelman offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 8, Section 319.026, Line 72 of said page, by inserting after all of said line the following:

“319.028. 1. On or after January 1, 2003, an owner or operator of underground facilities, who has become a participant in the notification center as required in section 319.022, will maintain participation in the notification center, unless it is determined that the inaccuracy rate of the notification center reaches 15%. The accuracy rate shall be determined by the number of notifications of an excavation, where the owner or operator has no underground facilities at the excavation site, as described in the excavators notification, divided by the total number of notifications to an owner or operator of underground facilities during any 12 month period.

2. Once the notification center has an inaccuracy rate of 15% or higher for any owner or operator of underground facilities, then any such owner or operator may withdraw from participation in the notification center by providing written notice to the notification center of its withdrawal. The owner or operator shall then file with the Recorder of Deeds for each County it has underground facilities, a statement that it has underground facilities and

a name and phone number of a contract person that excavators shall contract and notify of its intent to excavate. The owner or operator shall also publish, at least quarterly, in a newspaper or other publication of general circulation in counties that have underground facilities a statement that the owner or operator has underground facilities and who the excavator shall contact regarding its intent to excavate.

3. After January 1, 2003, in the event that an owner or operator withdraws from the notification center no party may use in an any legal proceeding the fact that an owner or operator has withdrawn from the notification center as evidence to establish: negligence, recklessness, lack of adherence to industry standards, or any other manner which would suggest that the owner or operator failed to comply with any standard of care.”; and

Further amend the title and enacting clause accordingly.

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

Senator Goode offered SA 5:

SENATE AMENDMENT NO. 5

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 3, Section 319.015, Line 63 of said page, by striking the following: “water,”; and further amend Line 66, of said page, by inserting after “substances,” the following: “excluding potable water,”; and further amend Line 71, of said page, by striking the following: “water service lines, water system,”.

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

Senator Rohrbach offered SA 6:

SENATE AMENDMENT NO. 6

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 13, Section 319.050, Line 15, by inserting after all of said line the following:

“Section 1. The state shall appropriate and disburse to its political subdivisions payment for any and all activities imposed by sections

319.015, 319.022, 319.023, 319.024, 319.025, 319.026, 319.030, 319.036, 319.037, 319.041, 319.045 and 319.050, RSMo, pursuant to article X, section 21 of the Missouri Constitution.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Senator Rohrbach moved that the above amendment be adopted.

Senator Kenney requested a roll call vote be taken on the adoption of SA 6 and was joined in his request by Senators Cauthorn, DePasco, Rohrbach and Wiggins.

SA 6 failed of adoption by the following vote:

YEAS—Senators

Caskey	Cauthorn	Childers	Foster
Johnson	Klindt	Mathewson	Rohrbach
Russell	Staples	Westfall—11	

NAYS—Senators

Bentley	Bland	DePasco	Dougherty
Gibbons	Goode	Gross	House
Kenney	Kinder	Klarich	Loudon
Quick	Schneider	Scott	Sims
Steelman	Stoll	Wiggins	Yeckel—20

Absent—Senators

Jacob Singleton—2

Absent with leave—Senator Carter—1

Senator Rohrbach offered SA 7, which was read:

SENATE AMENDMENT NO. 7

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 3, Section 319.015, Line 72, by adding after the word “lines” the following: “owned by a municipality or”.

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

Senator DePasco offered SA 8:

SENATE AMENDMENT NO. 8

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 3, Section 319.015, Line 70 of said page, by

inserting after the word “that” the following: **“where”**; and further amend line 72, of said page, by inserting after the closing bracket “]” the following: **“are”**; and further amend line 73, of said page, by striking “which is” and insert in lieu thereof the following: **“and such lines or facilities are”** and further amend line 73 of said page by inserting at the end of said line the following: **“, such lines or facilities”**; and

Further amend said bill, page 10, section 319.030, line 51, of said page, by striking “the methods indicated above,” and insert in lieu thereof the following: **“that a person is available at the telephone number given in the notice between 8:00 a.m. and 5:00 p.m. on each working day or that the excavator’s telephone is equipped with a recording device or that a facsimile number is provided for receiving facsimile messages, then”**; and

Further amend said bill, page 11, section 319.036, line 5, of said page, by striking “[of record]”; and

Further amend the title and enacting clause accordingly.

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

Senator Goode offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 3, Section 319.015, Lines 72-73, by striking the words “located on the real property to which such lines provide service which is”; and further amend line 73, by inserting at the end of said line the following: **“receiving service”**.

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

Senator Westfall offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 1, Section A, Line 4, by inserting after all of said line the following:

“91.210. **1.** All the provisions of sections

91.010 to 91.300, 91.450 to 91.540, 91.600 and 91.610, which concern the purchase of waterworks, shall apply, so far as the same are applicable, to the erection or purchase of electric light plants, gas plants, ice plants or other lighting plants.

2. Any city, town or village in a county of the third classification not having a township form of government with a population of no less than twelve thousand five hundred and no greater than thirteen thousand five hundred inhabitants; or any city, town or village in a county of the third classification not having a township form of government with a population of no less than twenty-one thousand and no greater than twenty-one thousand nine hundred inhabitants; or any city, town or village in a county of the first classification not having a charter form of government with a population no less than two hundred thousand inhabitants, the provisions of sections 91.010 to 91.300, 91.450 to 91.540, 91.600 and 91.610 which concern the purchase, acquisition, condemnation or operation of waterworks, shall apply, so far as the same are applicable, to the erection, acquisition, condemnation, operation or purchase of electric light plants, gas plants, ice plants or other lighting plants.

3. For purposes of this section, “gas plant” includes all real estate, fixtures and personal property owned, operated, controlled, used or to be used for or in connection with or to facilitate the manufacture, distribution, sale or furnishing of gas, natural or manufactured, for light, heat or power.

4. Nothing in this section shall be construed to give any city any condemnation authority otherwise prohibited by section 71.525, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Westfall moved that the above amendment be adopted.

Senator Kenney raised the point of order that **SA 10** is out of order as it goes beyond the subject matter of the bill.

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

Senator Goode offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 3, Section 319.015, Line 78 of said page, by inserting after “land;” the following: **“and provided however, underground facility as used in sections 319.015 to 319.050, shall not include property for use in connection with the storage or conveyance of water by any water company for service to customers in a county with a population in excess of one million persons;”**.

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

Senator Klarich assumed the Chair.

Senator Caskey offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 4, Section 319.022, Line 23, by inserting after all of said line the following:

“5. Any fees levied by the notification center shall be just and reasonable and shall be established pursuant to tariffs filed with and approved by the public service commission pursuant to chapter 386, RSMo, except as otherwise provided pursuant to this section.”

Senator Caskey moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Cauthorn, DePasco, Singleton and Stoll.

SA 12 failed of adoption by the following vote:

YEAS—Senators

Bland	Caskey	Cauthorn	Childers
Foster	House	Jacob	Johnson
Klindt	Mathewson	Rohrbach	Russell
Singleton	Steelman	Westfall—15	

NAYS—Senators

Bentley	DePasco	Dougherty	Gibbons
Goode	Gross	Kenney	Kinder
Klarich	Loudon	Quick	Schneider

Scott	Sims	Staples	Stoll
Wiggins	Yeckel—18		

Absent—Senators—None

Absent with leave—Senator Carter—1

Senator Caskey offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 13, Section 319.050, Line 15, by inserting immediately after said line the following:

“Section 1. Notwithstanding any other provisions of law to the contrary, before any grave for burial of human remains may be excavated, the grave excavator must contact the notification center as defined in Section 319.015 (4).”

Senator Caskey moved that the above amendment be adopted.

President Maxwell assumed the Chair.

At the request of Senator Caskey, **SA 13** was withdrawn.

Senator Caskey offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 12, Section 319.041, Line 1, by inserting a “[” before “No” on said line and further amend said section, line 4, by inserting a “]” after “**319.026.**”; and

Further amend said section and line, by inserting before “**Notwithstanding**” the following: **“Nothing in the foregoing shall relieve an excavator from the obligation to excavate in a safe and prudent manner, nor shall it absolve an excavator from liability for damage to legally installed facilities.”**

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

Senator Foster offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend House Substitute for House Committee Substitute for House Bill No. 425, Page 4, Section 319.022, Lines 4-11, by striking said lines and inserting in lieu thereof the following:

“2. [A] **All owners and operators of underground facilities which are located in a county of the first classification or second classification within the state who are not members of a notification center on August 28, 2001, shall become participants in the notification center prior to January 1, 2003. Any person who installs or otherwise becomes an owner or operator of an underground facility which is located within a county of the first classification or second classification on or after January 1, 2003, shall become a participant in the notification center within thirty days of acquiring or operating such underground facility. Beginning January 1, 2003, all owners and operators of underground facilities which are located in a county of the first classification or second classification within the state shall maintain participation in the notification center.**

3. All owners and operators of underground facilities which are located in a county of the third classification or fourth classification within the state who are not members of a notification center on August 28, 2001, shall become participants in the notification center prior to January 1, 2005. Any person who installs or otherwise becomes an owner or operator of an underground facility which is located within a county of the third classification or fourth classification on or after January 1, 2005, shall become a participant in the notification center within thirty days of acquiring or operating such underground facility. Beginning January 1, 2005, all owners and operators of underground facilities which are located in a county of the third classification or fourth classification within the state shall maintain participation in the notification center.”

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

On motion of Senator DePasco, **HS** for **HCS** for **HB 425**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Childers	DePasco
Dougherty	Foster	Gibbons	Goode
Gross	House	Kenney	Kinder
Klarich	Loudon	Quick	Schneider
Scott	Sims	Stoll	Wiggins
Yeckel—21			

NAYS—Senators

Caskey	Cauthorn	Jacob	Johnson
Klindt	Mathewson	Rohrbach	Russell
Singleton	Staples	Steelman	Westfall—12

Absent—Senators—None

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

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 adopted and third read **SCR 3**, as amended.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 3, by amending the clause that begins:

“Now therefore be it resolved” by adding after the second occurrence of the phrase “Lewis and Clark Expedition” the following:

“, to include material on Sacajawea and York.”

In which the concurrence of the Senate is

respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Conference Committee on **HS** for **HJR 11** was dissolved and that the House has concurred in **SA 1** to **HS** for **HJR 11** and has taken up and passed **HS** for **HJR 11**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **SCR 18**.

With House Amendment No. 1.

HOUSE AMENDMENT NO. 1

Amend Senate Concurrent Resolution No. 18, Page 3, Line 12, by inserting immediately after the word **“relevant;”** the following:

“with such studies to specifically include an analysis of (i) the existing and projected demands in this state for electric power and energy over the next ten years, and the basis for determining the projected demand; (ii) the adequacy and reliability of available and planned electric generation to serve the needs of customers in this state; (iii) permitting retail customers having load at a single premises in excess of 1 or 2 MW to utilize alternative sources of supply without adversely affecting state and municipal tax revenues; (iv) the adequacy and availability of available and planned transmission facilities used to transfer electricity into and within the state; and (v) incentives that would encourage the ongoing investment needed to ensure adequate generation and transmission capacity within the state;”; and

Further amend said resolution, Page 3, Line 14, by inserting immediately after the word **“report”** the following:

“which must at a minimum include a detailed summary of the committee’s analysis of the adequacy and reliability of available and planned electric generation and transmission capacity to serve the projected needs of

customers in this state currently and over the next ten years and incentives for ongoing investment and allowing retail customers having load at a single premises in excess of 1 or 2 MW to utilize alternative sources of supply without adversely affecting state and municipal tax revenues;”; and

Further amend said resolution, Page 3, Line 17, by inserting immediately after the word **“Assembly”** the following:

“but in any event no later than December 1, 2001,”.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up adopted and third read **HCS** for **SCR 28**.

**HOUSE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 28**

WHEREAS, recent high fuel prices have alerted us to the need to improve our nation’s policies on fuel production and efficient use of energy; and

WHEREAS, the Organization of Petroleum Exporting Countries (OPEC) has recently suggested that they will reduce crude oil production again in an attempt to manipulate prices; and

WHEREAS, reductions in crude oil production have resulted in sharp increases in prices for natural gas, gasoline and home heating oil; and

WHEREAS, the United States has become dangerously dependent on foreign petroleum; and

WHEREAS, Missouri consumers are experiencing higher prices at the pump and in home heating costs and these high prices are negatively impacting their quality of life; and

WHEREAS, the economic stability of many areas of the state which rely on tourism may be jeopardized if the number of persons traveling to Missouri’s vacation destinations is significantly reduced due to increased gasoline prices; and

WHEREAS, the trucking industry, heavily dependent on the availability and price of gasoline and diesel fuel, has been especially hard hit by the increase in fuel costs that have resulted in a significant increase in the transportation costs associated with the delivery of consumer goods throughout the state. Such an increase in cost to the trucking industry will inevitably be passed along to consumers as an increase in the price of consumer goods; and

WHEREAS, the increased petroleum fuel costs is particularly detrimental to Missouri family farmers because it comes at a time when overall market prices are low; and

WHEREAS, fuel prices could be reduced by increasing domestic production and encouraging the development of markets for products that can be used as the source material for renewable alternative fuels:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninety-first General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge the United States Congress to actively address the issue of fuel prices and take immediate actions necessary to reduce our nation's dependency on foreign petroleum sources, boost our own economy, and increase energy efficiency by:

(1) Encouraging exploration for domestic petroleum sources in a manner that does not, based on established scientific principles, adversely impact the environment;

(2) Encouraging and creating incentives for fuel conservation measures that do not, based on established economic principles, harm the economy; and

(3) Encouraging and creating incentives for research, development and use of solar and other alternative fuel sources, including ethanol and other fuels made from renewable materials that would not only reduce our dependency on foreign petroleum, but also have the potential to improve environmental protection and boost local economies; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives, Secretary Gale Norton of the United States Department of the Interior, Secretary Spencer Abraham of the United States Department of Energy, Secretary Ann M. Veneman of the United States Department of Agriculture, Administrator Christine Todd Whitman of the United States Environmental Protection Agency, the White House Office of Management and Budget, and each member of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS for HCS for HB 12** and has taken up and passed **CCS for SCS for HCS for HB 12**.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS for HCS for HB 14** and has taken up and passed **CCS for SCS for HCS for HB 14**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS for SB 319**, as amended, and grants the Senate a conference thereon.

The Speaker of the House has appointed the following committee to act with a like committee from the Senate. Representatives: Johnson 61, Relford, Franklin, Myers and Shields.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refused to adopt the Conference Committee Report on **HCS for SCS for SB 151** and requests further conference.

President Pro Tem Kinder assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SCS for HB 801**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

CONFERENCE COMMITTEE REPORTS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS for HCS for HB 14** submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 14

Mr. President: Your Conference Committee appointed to confer with a like committee from the

House on Senate Committee Substitute for House Committee Substitute for House Bill No. 14, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 14.
2. That the House recede from its position on House Committee Substitute for House Bill No. 14.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 14, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

- | | |
|---------------------|--------------------------|
| /s/ John T. Russell | /s/ Timothy P. Green |
| /s/ Larry Rohrbach | /s/ Charles Q. Troupe |
| /s/ Morris Westfall | /s/ May Scheve |
| /s/ Wayne Goode | /s/ Charlie Shields |
| /s/ Harry Wiggins | /s/ Catherine S. Hanaway |

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klindt	Mathewson	Quick	Rohrbach
Russell	Scott	Sims	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel—29

NAYS—Senators

Klarich	Loudon—2
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Absent—Senators

Schneider	Singleton—2
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Absent with leave—Senator Carter—1

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 14**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 14

An Act to appropriate money for the expenses, grants, distributions, planning and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions of the Department of Health, Department of Social Services, Department of Mental Health, Department of Public Safety, Department of Higher Education and institutions of higher education included therein, Department of Elementary and Secondary Education, and the Office of Administration, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2001 and ending June 30, 2002.

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

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kenney	Kinder
Klindt	Mathewson	Quick	Rohrbach
Russell	Schneider	Scott	Sims
Staples	Steelman	Stoll	Westfall

Wiggins—29

NAYS—Senators

Klarich	Loudon	Yeckel—3
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Absent—Senator Singleton—1

Absent with leave—Senator Carter—1

The President Pro Tem declared the bill passed.

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

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

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

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 12**, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 12

Mr. President: Your Conference Committee appointed to confer with a like committee from the House on Senate Committee Substitute for House Committee Substitute for House Bill No. 12, begs leave to report that we, after open, free and fair discussion of the differences between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 12.
2. That the House recede from its position on House Committee Substitute for House Bill No. 12.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 12, be truly agreed to and finally passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John T. Russell	/s/ Timothy P. Green
/s/ Larry Rohrbach	/s/ Yvonne S. Wilson
/s/ Morris Westfall	/s/ Dennis Bonner
/s/ Wayne Goode	/s/ Ken Legan
/s/ Harry Wiggins	/s/ Annie Reinhart

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

Bentley	Bland	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims

Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senator Caskey—1

Absent—Senator Schneider—1

Absent with leave—Senator Carter—1

President Maxwell assumed the Chair.

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 12**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 12

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and Contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2001 and ending June 30, 2002.

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

YEAS—Senators

Bentley	Bland	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich

Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Scott	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senator Caskey—1

Absent—Senator Schneider—1

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

Senator Klarich, on behalf of the conference committee appointed to act with a like committee from the House on **HS** for **HCS** for **SS** for **SCS** for **SB 267**, as amended, submitted the following conference committee report:

CONFERENCE COMMITTEE REPORT ON
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 267

Mr. President: Your Conference Committee, appointed to confer with a like committee of the House on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267 with House Amendment No. 1, House Amendment No. 2, House Substitute Amendment No. 1 for House Amendment No. 3, House Amendment No. 4, House Substitute Amendment No. 1 for House Amendment No. 5, House Amendment No. 6, House Amendment No. 7, House Amendment No. 8, House Amendment No. 9, House Substitute Amendment No. 1 for House Amendment No. 10, House Amendment No. 11, House Amendment No. 12, House Amendment No. 13, House Amendment No. 14, House Amendment No. 15, and House Amendment No. 16, begs leave to report that we, after free and fair discussion of the differences

between the House and the Senate, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, as amended;

2. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for Senate Bill No. 267;

3. That the attached Conference Committee Substitute for House Substitute for House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 267, be adopted.

FOR THE SENATE:

/s/ David Klarich

/s/ Michael R. Gibbons

/s/ Sarah H. Steelman

/s/ Ken Jacob

/s/ Harold Caskey

FOR THE HOUSE:

/s/ Don Lograsso

/s/ Richard Byrd

/s/ Ralph Monaco

/s/ Craig Hosmer

/s/ Russ Carnahan

Senator Klarich moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Johnson	Mathewson	Schneider	Singleton
Staples—5			

Absent with leave—Senator Carter—1

On motion of Senator Klarich, **CCS** for **HS** for **HCS** for **SS** for **SCS** for **SB 267**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE
FOR SENATE BILL NO. 267

An Act to repeal sections 43.503, 56.085, 56.765, 57.130, 67.133, 194.115, 210.140, 247.224, 287.610, 303.025, 374.700, 452.556, 455.040, 476.010, 478.610, 479.020, 479.150, 482.330, 483.500, 488.426, 488.429, 488.447, 488.607, 488.5332, 488.5336, 490.130, 491.300, 508.190, 512.180, 534.070, 535.030, 550.120, 565.030, 574.075, 595.030, 595.035, 595.045, 610.105, 632.480, 632.483, 632.492 and 632.495, RSMo 2000, section 303.041 as enacted by senate substitute for house substitute for house committee substitute for house bill no. 1797, ninetieth general assembly, second regular session, and section 303.041 as enacted by conference committee substitute for house substitute for senate substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, relating to court procedures, and to enact in lieu thereof fifty-five new sections relating to the same subject, with penalty provisions.

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

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Schneider Singleton—2

Absent with leave—Senator Carter—1

The President declared the bill passed.

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

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

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

HOUSE BILLS ON THIRD READING

HB 285, introduced by Representative Riback Wilson (25), et al, entitled:

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to Missouri centers of excellence in women's health.

Was taken up by Senator Jacob.

Senator Sims offered **SS** for **HB 285**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 285

An Act to repeal sections 208.151 and 376.1209, RSMo 2000, relating to women's health, and to enact in lieu thereof three new sections relating to the same subject.

Senator Sims moved that **SS** for **HB 285** be adopted.

Senator Jacob offered **SS** for **SS** for **HB 285**, entitled:

SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
HOUSE BILL NO. 285

An Act to repeal sections 208.151 and 376.1209, RSMo 2000, relating to women's health, and to enact in lieu thereof four new sections relating to the same subject.

Senator Jacob moved that **SS** for **SS** for **HB 285** be adopted.

Senator Sims offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for House Bill No. 285, Page 19, Section 376.1209, Line 14 of said page, by inserting after all of said line the following:

“660.026. The director of the department of social services or the director's designee may

contract with and provide funding support to federally qualified health centers in this state. A federally qualified health center is an entity as defined in 42 U.S.C. 1396d(1)(2)(B). Funds appropriated in support of this section will be used to assist federally qualified health centers in ensuring that health care is available to underserved persons in this state. Such funds may also be used by federally qualified health centers to support their capital expansion, infrastructure, redesign or other similar uses, in those cases where federal funds are not available for such purposes, and for other services such as dental care and mental health services.”; and

Further amend the title and enacting clause accordingly.

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

Senator Goode offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for House Bill No. 285, Page 2, Section 192.972, Line 25, by inserting after all of said line the following:

“192.1010. 1. There is hereby established within the department of health, the “Life Sciences Research Program”. The program shall be administered by the director of the department of health based upon the recommendations of the “Life Sciences Research Board”, which is hereby created. The program shall consist of grant awards from moneys appropriated from the “Life Sciences Research Fund”, which is hereby created in the state treasury. The grant awards shall be designed to achieve the goals stated in subsection 4 of this section.

2. The life sciences research board shall consist of eight members who shall be appointed in the following manner:

(1) Each member shall be appointed by the governor with the advice and consent of the senate for a term of six years, except for the terms of the initial members. The board shall

select its own chairperson from among its members;

(2) The members of the board shall be generally familiar with the life sciences and current research trends and developments, with either technical or scientific expertise in life sciences, and with an understanding of the application of the results of life sciences research;

(3) Two initial members of the life sciences research board shall be appointed to two-year terms. Three initial members shall be appointed to a four-year term. The remaining three initial members shall be appointed to six-year terms. All subsequent appointees shall be appointed to six-year terms;

(4) No member of the life sciences research board shall serve more than two consecutive full six-year terms on the board;

(5) The director of the department of health shall be a member of the board;

(6) The director of the office of minority health shall be a non-voting member of the board.

3. The life sciences research board shall solicit, collect and prioritize proposed research initiatives for consideration for funding by the board.

4. The life sciences research board shall take applications for grants-in-aid in order to increase the capacity and infrastructure for quality life sciences research in the state of Missouri and to improve the quantity and quality of life sciences research. Such research shall include: basic research, including the discovery of new knowledge; translational research, including translating knowledge into a usable form; and developmental research and clinical research, including but not limited to health research in human safety development and aging, cancer, endocrine, cardiovascular, neurological including nerve regeneration, pulmonary, diagnostic disease and infectious disease, and nutrition and food safety.

5. The applications shall be designed by the

department of health in consultation with the board and shall contain information necessary to determine the potential benefits of grants-in-aid to be awarded, as well as other information deemed necessary for the administration of this program. The grant application shall describe in detail the proposed research project and how the research project shall be conducted in compliance with the requirements of 192.1010 to 192.1030. The department of health shall not approve a grant award unless the department makes specific written findings that such research project shall be conducted in compliance with sections 192.1010 to 192.1030. The grant application and the grant award shall be a public record within the meaning of chapter 610, RSMo. The department of health shall promulgate rules in accordance with chapter 536, RSMo, to implement the provisions of this subsection.

6. The department of health shall provide facilities, equipment, administrative and technical support services and administrative staff.

7. In determining projects to authorize, the life sciences research board shall consider the potential of any proposal to bring both health and economic benefit to the people of Missouri.

8. The life sciences research board shall have the authority to:

- (1) Award research grants;
- (2) Enter into contracts relating to research;
- (3) Adopt research standards;

(4) Promulgate rules governing the administration of research programs, research grants, research contracts and licensing contracts, and the reimbursement of costs, utilization of intellectual property rights, conflict of interest guidelines, consistent with sections 192.1010 to 192.1035;

(5) Make provision for peer review panels to recommend and review research projects;

(6) Contract for administrative and technical support services;

(7) Lease or acquire facilities and equipment;

(8) Employ administrative staff; and

(9) Receive, disburse and administer any funds appropriated to it.

9. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 192.1010 to 192.1035 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. The rulemaking authority granted in such sections and the provisions of chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be invalid and void.

192.1015. The life sciences research board shall make provision for and secure from the state auditor or outside certified public accounting firm an annual audit of its financial affairs and the funds expended from the life sciences research account. The audit shall be performed on a fiscal year basis. Any audit shall be paid for by moneys expended from the life sciences research fund, whether performed by the state auditor or outside certified public accounting firm. The board will make copies of each audit publicly available. Every three years the board with assistance of its staff or independent contractors as determined by the board shall prepare a comprehensive report assessing the work and progress of the life sciences research program. Such assessment report shall analyze the impact of the board's programs and research performed, shall be provided to the governor and members of the general assembly and shall be publicly available.

192.1020. Grant awards made by the life sciences research board shall provide for the reimbursement of costs. Whether reimburse-

ment of particular costs will be allowed depends on the application of a four-part test balancing, which shall include:

- (1) The reasonableness of the cost;
- (2) The connection to the grant;
- (3) The consistency demonstrated in assigning costs to the grant; and
- (4) Conformance with the particular terms and conditions of the award.

192.1025. Grant recipients have an obligation to preserve research freedom, to ensure timely disclosure of their research findings to the scientific community, including through publications and presentations at scientific meetings, and to promote utilization, commercialization and public availability of their inventions and other intellectual property developed in the performance of research funded by a grant award. Institutions or organizations receiving grant awards shall retain all right, title and interest, including all intellectual property rights, in and to any and all inventions, ideas, data, improvement, modifications, discoveries, know-how, creations, copyrightable material, trade secrets, methods, processes, discoveries and derivatives, whether patentable or not, which are made in the performance of work under a grant award. The life sciences research board may, however, adopt reasonable regulations to insure that any such intellectual property rights are utilized reasonably and in a manner which is in the public interest.

192.1030. 1. Notwithstanding the provisions of sections 192.1010 to 192.1025, no grant awards shall be paid, granted, or used, to subsidize in whole or in part:

- (1) Abortion services; or
- (2) Destructive human research; or
- (3) Development of drugs or chemicals intended to be used to induce an abortion; or
- (4) Human cloning.

2. For the purposes of this section:

- (1) “Abortion services” shall mean

performing or inducing, assisting in performing or inducing, or referring a woman for, an abortion, except when necessary to save the life of the mother;

(2) “Child” if in utero, shall mean the same as an unborn child, as defined in section 188.015, RSMo; and if ex utero, shall mean a human being at any of the stages of biological development of an unborn child from conception onward;

(3) “Destructive human research” shall mean research in which there is the taking or utilization of the organs, tissue or cellular material of a:

(a) Deceased child, unless consent was given the manner provided pursuant to sections 194.210 to 194.290, RSMo, relating to anatomical gifts, and neither parent caused the death of such child or consented to someone causing the death of such child; or

(b) Living child, when the intended or likely result of such taking or utilization is to kill or cause serious harm to the health, safety or welfare of such child, or when the purpose is to target such child for possible destruction in the future;

(4) “Facilities and administrative costs” shall mean those costs that are incurred for common or joint objectives and therefore cannot be identified readily and specifically with a particular research project or any other institutional activity;

(5) “Grant awards” shall mean awards of state funds pursuant to sections 192.1010 to 192.1030;

(6) “Human cloning” shall mean the replication of a human being genetically identical to another human being;

(7) “Research project” shall mean research specified in the grant award conducted under the auspices of the institution or institutions that applied for and received such grant award pursuant to sections 192.1010 to 192.1030, regardless of whether the research is funded in whole or part by such grant award. Such

research shall include: basic research, including the discovery of new knowledge; translational research, including translating knowledge into a usable form; and developmental research and clinical research, including but not limited to research in human development and aging, cancer, endocrine, cardiovascular, neurological, pulmonary and infectious disease, and nutrition and food safety. Such research may also include research and development on product safety and preventative care technologies.

3. No grant awards shall be paid or granted pursuant to sections 192.1010 to 192.1030 to or on behalf of an existing or proposed research project that involves, as part of the project, abortion services, destructive human research, the development of drugs or chemicals intended to be used to induce an abortion or human cloning. A research project that receives a grant award shall not share costs with another research project, person or entity not qualified to receive a grant award pursuant to sections 192.1010 to 192.1030; provided, however, the research project that receives a grant award may pay facilities and administrative costs directly allocable to such research project. A research project that receives a grant award shall maintain financial records that demonstrate strict compliance with this section. The audit conducted pursuant to section 192.1015 shall also certify compliance with this section.

4. Any taxpayer of this state or its political subdivisions shall have standing to bring suit against the department of health, its officers or employees, in a circuit court of proper venue to enforce the provisions of this section.

5. Sections 192.1010 to 192.1030 shall not be construed to permit or make lawful any conduct that is otherwise unlawful under the laws of this state.

6. All of the provisions of sections 192.1010 to 192.1025 are severable; provided, however, the provisions of section 192.1030 are not severable from the provisions of sections 192.1010 to 192.1025. If any provision of sections 192.1010 to 192.1025 is found to be

invalid, unenforceable or unconstitutional, the remaining provisions of sections 192.1010 to 192.1025 shall be and remain valid. However, if any provision of section 192.1030 shall be found to be invalid, unenforceable or unconstitutional, all the provisions of sections 192.1010 to 192.1025 shall be invalid and unenforceable.”; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Loudon raised the point of order that SA 2 is out of order as it goes beyond the scope and purpose of the bill.

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

Senator Steelman offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute for House Bill No. 285, Page 1, Section 192.972, Line 5, by inserting immediately before all of said line the following:

“191.975. 1. This section shall be known and may be cited as the “Adoption Awareness Law”.

2. In order to raise public awareness and educate the public, the division of maternal, child and family health in the department of health, in conjunction with the department of social services and with the office of women's health in the department of health, shall be responsible for:

(1) Collecting resource materials in order to educate communities about foster care and adoption;

(2) Establishing and promoting education materials which shall include a toll-free telephone number established by the department and which may include a video, brochures or public relations campaigns about adoption and foster care for public use and for use as a part of the department of health's family planning and education programs. The

material shall include, but not be limited to, information about:

- (a) The benefits of adoption and foster care;**
- (b) Adoption and foster care procedures;**
- (c) Methods of payment;**
- (d) Methods of controlling the adoption of a child, including the choice of adoptive parents;**
- (e) Protection for and rights, or lack thereof, of the birth parents prior to and following the adoption;**
- (f) Location of adoption and foster care agencies;**
- (g) Discussion of various state health programs for women and children, including medical assistance programs, as well as income assistance programs; and**
- (h) Direction to appropriate counseling services which shall include, but not be limited to, information for parents who elect to keep their children;**

(3) Such materials shall be made available through department of health clinics and family planning programs, and privately-funded adoption agencies, and abortion facilities, as defined in section 188.015, RSMo, and private physicians for distribution to their patients who request such material. Such materials may be made available to the public through the department of health's Internet website.

3. The duties prescribed in this section shall be subject to appropriations by the general assembly.

4. The division shall promulgate rules and regulations for the implementation of this section in accordance with chapter 536, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Sims raised the point of order that **SA 3**

is out of order as it goes beyond the scope and purpose of the bill.

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

Senator Cauthorn offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Substitute for House Bill No. 285, Page 1, Section A, Line 4, by inserting after all of said line the following:

“191.332. 1. By January 1, 2002, the department of health shall, subject to appropriations, expand the newborn screening requirements in section 191.331 to include potentially treatable or manageable disorders, including cystic fibrosis, galactosemia, biotinidase deficiency, congenital adrenal hyperplasia, maple syrup urine disease (MSUD) and other amino acid disorders, glucose-6-phosphate dehydrogenase deficiency (G-6-PD), MCAD and other fatty acid oxidation disorders, methylmalonic acidemia, propionic acidemia, isovaleric acidemia and glutaric acidemia Type I.

2. The department of health may promulgate rules to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Cauthorn moved that the above amendment be adopted.

Senator Loudon raised the point of order that **SS** for **SS** for **HB 285** is out of order, in that it goes beyond the scope and purpose of the bill.

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

SA 4 was again taken up.

Senator Singleton assumed the Chair.

President Maxwell assumed the Chair.

Senator Sims raised the point of order that **SA 4** is out of order as it exceeds the scope and purpose of **SS** for **SS** for **HB 285**.

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

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

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Substitute for House Bill No. 285, Page 19, Section 376.1209, Line 14, by inserting after all of said line the following:

“Section 1. The state of Missouri hereby waives all rights to the possibility of reverter in the real property particularly described in the quitclaim deed in Book 279 at Pages 76-77 of the office of the recorder of deeds of Scott County.”; and

Further amend the title and enacting clause accordingly.

Senator Foster moved that the above amendment be adopted.

At the request of Senator Foster, **SA 5** was withdrawn.

Senator Sims offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Substitute for House Bill No. 285, Page 17, Section 376.1199, Line 6, by deleting “rider to the” and in line 26, delete “rider to the” and on page 18, line 2, delete “rider to the”.

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

Senator Loudon offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Substitute for House Bill No. 285, Page 1, In the Title, Line 3 of said page, by striking the word “women's”; and

Further amend said bill, Page 13, Section

208.151, Line 20 of said page, by inserting after all of said line the following:

“376.1150. 1. Any new mandated health insurance coverage for specific health services, specific diseases or for certain providers of health care services approved by the general assembly shall apply only to the Missouri consolidated health care plan established in chapter 103, RSMo, for a period of at least one year beginning with the first anniversary date of the Missouri consolidated health care plan subsequent to the approval of the mandate by the general assembly. On or before March first, after the one-year period for which the mandate has been applied, the board of trustees of the Missouri consolidated health care plan shall submit to the president pro tem of the senate and the speaker of the house of representatives a report indicating the impact such mandated coverage has had on the Missouri consolidated health care plan, including data on the utilization and costs of such mandated coverage. Such report shall also include a recommendation on whether such mandated coverage should continue for the Missouri consolidated health care plan or whether additional utilization and cost data is required.

2. The general assembly shall periodically review all health insurance coverages mandated by state law.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Singleton raised the point of order that **SA 7** is out of order as it goes beyond the scope and purpose of the bill.

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

SA 7 was again taken up.

Senator Loudon moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Childers, Gibbons, Gross and Wiggins.

SA 7 failed of adoption by the following vote:

YEAS—Senators

Cauthorn	Gibbons	Gross	Kenney
Kinder	Klarich	Loudon	Rohrbach
Yeckel—9			

NAYS—Senators

Bentley	Bland	Caskey	Childers
DePasco	Dougherty	Foster	Goode
House	Jacob	Johnson	Mathewson
Quick	Russell	Schneider	Scott
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins—22		

Absent—Senators

Klindt	Staples—2
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Absent with leave—Senator Carter—1

Senator Dougherty offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Substitute for House Bill No. 285, Page 19, Section 376.1209, Line 14, by inserting immediately after said line the following:

“376.1290. 1. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a health services corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements, to the extent not preempted by federal law, and all managed health care delivery entities of any type or description that are delivered, issued for delivery, continued or renewed in this state on or after January 1, 2002, shall offer coverage for testing pregnant women for lead poisoning and for all testing for lead poisoning authorized by sections 701.340 to 701.349, RSMo, or by rule of the department of health promulgated pursuant to sections 701.340 to 701.349, RSMo.

2. Health care services required by this section shall not be subject to any greater deductible or co-payment than any other health care service provided by the policy, contract or plan.

3. No entity enumerated in subsection 1 of this section shall reduce or eliminate coverage as a result of the requirements of this section.

4. 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.

701.322. Upon request of a physician, health care facility or third-party insurer, the department may provide laboratory services for tests related to contagious or infectious diseases. The department may conduct laboratory testing of blood specimens for lead content on behalf of a physician, hospital, clinic, free clinic, municipality or private organization which cannot secure or provide such services through other sources. The department of health may charge a fee for laboratory services rendered [under] pursuant to this section. [Such] Fees for tests related to contagious or infectious diseases shall be deposited in a separate account in the Missouri public health services fund, created in section 192.900, RSMo, and funds in such account shall be used to provide laboratory testing services by the department.

Fees for laboratory testing of blood specimens for lead content shall be deposited in the childhood lead testing fund created in section 701.348, RSMo.

701.326. 1. The department of health shall establish and maintain a lead poisoning information reporting system which shall include a record of lead poisoning cases which occur in Missouri along with the information concerning these cases which is deemed necessary and appropriate to conduct comprehensive epidemiologic studies of lead poisoning in this state and to evaluate the appropriateness of lead abatement programs.

2. The director of the department of health shall promulgate rules and regulations specifying the level of lead poisoning which shall be reported and any accompanying information to be reported in each case. Such information shall include the patient's address and may include the patient's name, [address,] diagnosis (including the blood lead level), pathological findings, the stage of the

disease, environmental and known occupational factors, method of treatment and other relevant data from medical histories. Reports of lead poisoning shall be filed with the director of the department of health within a period of time specified by the director. The department shall prescribe the form and manner in which the information shall be reported.

3. The attending health care professional of any patient with lead poisoning shall provide to the department of health the information required pursuant to this section.

4. When a case of lead poisoning is reported to the director, the director shall inform such local boards of health, public health agencies, and other persons and organizations as the director deems necessary; provided that, the name of any child contracting lead poisoning shall not be included unless the director determines that such inclusion is necessary to protect the health and well-being of the affected individual.

5. The director shall require all health care professionals or health care organizations required to report blood tests which are positive for lead poisoning pursuant to sections 701.300 to 701.349 or rules promulgated thereunder to submit a monthly report of all blood tests performed which are negative for lead poisoning. The department shall prescribe by rule the form and manner in which the information shall be reported.

701.328. 1. The department of health shall protect the identity of the patient and physician involved in the reporting required by sections 701.318 to [701.330] **701.349**. Such identity shall not be revealed except that the identity of the patient shall be released only upon written consent of the patient. The identity of the physician shall be released only upon written consent of the physician.

2. The department may release without consent any information obtained pursuant to sections 701.318 to [701.330] **701.349**, including the identities of certain patients or physicians, when the information is necessary for the performance of

duties by public employees within, or the legally designated agents of, any state or local agency, department or political subdivision, but only when such employees and agents need to know such information to perform their public duties.

3. The department shall use or publish reports based upon materials reported pursuant to sections 701.318 to [701.330] **701.349** to advance research, education, treatment and lead abatement. **The department shall geographically index the data from lead testing reports to determine the location of areas of relatively high incidence of lead poisoning.** The department shall provide qualified researchers with data from the reported information upon the researcher's compliance with appropriate conditions as provided by rule and upon payment of a fee to cover the cost of processing the data.

701.340. 1. Beginning January 1, 2002, the department of health shall implement a childhood lead testing program which requires every child less than six years of age to be tested for lead poisoning in accordance with the provisions of sections 701.340 to 701.349. In coordination with the department of health, every health care facility serving children less than six years of age, including but not limited to hospitals and clinics licensed pursuant to chapter 197, RSMo, shall take appropriate steps to ensure that their patients receive such lead poisoning testing.

2. The test for lead poisoning shall consist of a blood sample that shall be sent to a state-licensed laboratory for analysis. The department of health shall, by rule, determine the blood test protocol to be used.

3. The department of health shall, using factors established by the department, identify geographic areas in the state that are at high risk for lead poisoning. All children six months of age through six years of age who reside or spend more than ten hours a week in an area identified as high risk by the department shall be tested:

(1) At least once every six months between the ages of six months and three years; and

(2) Annually between the ages of three years and six years.

4. Any child less than six years of age who does not reside or spend more than ten hours a week in geographic areas identified as high risk by the department shall be tested once prior to 18 months of age.

5. Nothing in sections 701.340 to 701.349 shall be construed to require a child to undergo lead testing whose parent or guardian objects to the testing in a written statement that states the parent's or guardian's reason for refusing such testing.

701.342. 1. The department of health, in coordination with the department of social services and the department of elementary and secondary education, shall develop and provide questionnaires for every child to be assessed within three months of birth and at least once a year thereafter until the child is six years of age to determine whether such child is at high risk for lead poisoning. The questionnaire shall follow the recommendations of the Centers for Disease Control and Prevention. The department may modify the questionnaire to broaden the scope of the high-risk category. Local boards or commissions of health may add questions to the questionnaire.

2. If the questionnaire indicates an increased risk of lead poisoning, the child shall be deemed to be at high risk for lead poisoning.

3. Any child deemed to be at high risk for lead poisoning pursuant to this section who resides in housing not undergoing renovation or who meets any additional criteria set by local boards of health shall be tested according to the testing schedule pursuant to section 701.340.

4. Any child deemed to be at high risk for lead poisoning pursuant to this section who resides in housing currently undergoing renovations shall be tested at least once every three months during the renovation and once after the completion of the renovation.

5. The department may promulgate rules to identify pregnant women who may be at high risk for exposure to lead poisoning, to provide

such women with educational materials about the dangers of lead poisoning, to develop a questionnaire to be used to determine whether pregnant women are at high risk for lead poisoning, and to direct physicians to recommend testing and make testing available to pregnant women who are deemed to be at high risk.

6. Any laboratory providing test results for lead poisoning pursuant to sections 701.340 to 701.349 shall notify the department of any child who tests positive for lead poisoning and shall, by rule, establish the methods and intervals of follow-up treatment for such children.

7. When the department is notified of a case of lead poisoning pursuant to subsection 6 of this section, the department shall require the testing of all other children less than six years of age, and any other children or persons at risk, as determined by the director, who are residing or have recently resided in the household of the lead poisoned child.

701.344. The department of health shall have the following duties regarding the childhood lead testing program:

(1) By January 1, 2002, the department shall develop an educational mailing to be sent to every physician licensed by and practicing in this state informing such physician of the childhood lead testing program and the responsibilities of physicians pursuant to such program;

(2) The department shall apply for, take all steps necessary to qualify for and accept any federal funds made available or allotted pursuant to any federal act or program for state lead poisoning prevention programs. Any moneys received pursuant to this subdivision shall be deposited in the childhood lead testing fund;

(3) The department shall convene a task force to investigate the imposition of a fee on entities manufacturing products containing lead. Within three months of the effective date of sections 701.340 to 701.349, the task force shall report its recommendations to the director

of the department of health. Such fees shall be limited to the amount deemed necessary by the director of the department of health for implementation of sections 701.340 to 701.349. Fees collected pursuant to this subdivision shall be deposited in the childhood lead testing fund;

(4) The director of the department of health or the director's designee may, subject to appropriations, contract with a public agency or a university, or collaborate with any agencies, individuals or groups to provide necessary services, develop educational programs, scientific research and organization, and interpret data from lead testing reports;

(5) Beginning January 1, 2003, and every January first thereafter, the department of health shall submit a report evaluating the extent of physician compliance with sections 701.340 to 701.349 to the following committees of the Missouri legislature: senate appropriations committee, senate public health and welfare committee, house appropriations - health and mental health committee and house public health committee.

701.346. 1. Every child care facility, as defined in section 210.201, RSMo, and every child care facility affiliated with a school system, a business organization or a nonprofit organization shall, within thirty days of enrolling a child, require the child's parent or guardian to provide evidence of lead poisoning testing in the form of a statement from the health care professional that administered the test. If there is no evidence of testing, the person in charge of the facility shall provide the parent or guardian with information about lead poisoning and locations in the area where the child can be tested. When a parent or guardian cannot obtain such testing, the person in charge of the facility may arrange for the child to be tested by a local health officer with the consent of the child's parent or guardian. At the beginning of each year of enrollment in such facility, the parent or guardian shall provide proof of testing in accordance with the provisions of sections 701.340 to 701.349 and any rules promulgated thereunder.

2. No child shall be denied access to education or child care because of failure to comply with the provisions of sections 701.340 to 701.349.

701.348. 1. There is hereby created in the state treasury the "Childhood Lead Fund". The state treasurer shall deposit to the credit of the fund all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants, bequests or other aid received from federal, private or other sources related to lead testing, education and screening. The general assembly may appropriate moneys to the fund for the support of the childhood lead testing program established in sections 701.340 to 701.349. The moneys in the fund shall be used to fund the administration of childhood lead programs, the administration of blood tests to uninsured children, educational materials and analysis of lead blood test reports and case management.

2. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not revert to the credit of the general revenue fund at the end of the biennium.

701.349. The department of health shall promulgate rules to implement the provisions of sections 701.340 to 701.349. No rule or portion of a rule promulgated under the authority of sections 701.340 to 701.349 shall become effective unless it has been promulgated pursuant to chapter 536, RSMo."; and

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted.

Senator Sims raised the point of order that SA 8 is out of order as it goes beyond the scope and purpose of the bill.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed the bill on the Informal Calendar, with SS, SS for SS, SA 8 and the point of order (pending).

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
May 10, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on March 23, 2001 for your advice and consent:

Anne Carole Ream, O.D., Republican, 418 East Maple, West Plains, Howell County, Missouri 65775, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2007, and until her successor is duly appointed and qualified; vice, Paul Combs, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
May 10, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on April 17, 2001 for your advice and consent:

William J. Baker, Democrat, 12904 East 41st Terrace, Independence, Jackson County, Missouri 64055, as Chairman of the Jackson County Board of Election Commissioners, for a term ending April 2, 2002, and until his successor is duly appointed and qualified; vice, Thomas J. Walsh, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
May 10, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Michael L. Green for the Missouri Commission on Human Rights, submitted to you on April 27, 2001. Line 2 should be amended to read:

Scott County, Missouri 63801, as a member of the Missouri
Respectfully submitted,
BOB HOLDEN
Governor

President Pro Tem Kinder referred the above addendum to the Committee on gubernatorial Appointments.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 319**, as amended: Senators Bland, Stoll, Bentley, Yeckel and Kenney.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 33**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 14**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 22**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 23**, begs leave to report that it has

considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HCR 12**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **HS** for **HCR 25**, begs leave to report that it has considered the same and recommends that the concurrent resolution do pass.

Senator Westfall, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HJR 7**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HS** for **HB 882**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HB 249**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Kenney offered Senate Resolution No.

781, regarding Christopher R. Welchert, Blue Springs, which was adopted.

Senator Kenney offered Senate Resolution No. 782, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Henry Wirth, Lee's Summit, which was adopted.

Senators Rohrbach and Mathewson offered Senate Resolution No. 783, regarding Dr. John Boise, Warsaw, which was adopted.

Senator Scott offered Senate Resolution No. 784, regarding the One Hundred Twenty-fifth Anniversary of the Missouri Court of Appeals, Eastern District, which was adopted.

Senators Foster, Kinder, Klarich, Staples and Steelman offered Senate Resolution No. 785, regarding the Black River Electric Cooperative, which was adopted.

Senator Klindt offered Senate Resolution No. 786, regarding the Ninety-Second Birthday of Denzil Stevensen, Parnell, which was adopted.

Senator Westfall offered Senate Resolution No. 787, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George Petersen, Louisburg, which was adopted.

Senator Yeckel offered Senate Resolution No. 788, regarding James M. Schibig, Mehlville, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Cauthorn introduced to the Senate, the Physician of the Day, Dr. Peggy Barjenbruch, M.D., Mexico.

Senator Kenney introduced to the Senate, his wife, Sandi, Keith and Kathy Asel, Alan and Sherry Goforth and Greg and Sara Lesko, Lee's Summit.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Friday, May 11, 2001.

SENATE CALENDAR

SEVENTY-FIRST DAY—FRIDAY, MAY 11, 2001

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HCS for HB 1000-
Hosmer

Unofficial

THIRD READING OF SENATE BILLS

SCS for SB 505-Loudon
(In Budget Control)
SS for SB 242-Kenney
(In Budget Control)

SCS for SB 225-Mathewson
(In Budget Control)
SS for SCS for SBs 334
& 228-Kinder (In Budget Control)

Journal

SENATE BILLS FOR PERFECTION

SB 565-Staples
SB 596-Loudon
SB 597-Singleton
SB 268-Schneider, with SCS

SBs 249 & 523-Wiggins,
with SCS
SBs 508 & 468-Cauthorn
and Klindt, with SCS

HOUSE BILLS ON THIRD READING

1. HB 120-O'Connor, with
SCS (Caskey)
2. HB 163-Berkowitz and
Wagner (Westfall)
3. HB 471-Jolly, et al,
with SCS (Wiggins)
4. HB 626-Hosmer, with
SCS (Bentley)
5. HS for HCS for HB 107-
Clayton, with SCS
(Klarich)
(In Budget Control)

6. HCS for HB 50, with
SCS (Stoll)
(In Budget Control)
7. HCS for HBs 754, 29,
300 & 505 (Bentley)
(In Budget Control)
8. HB 185-Legan, et al,
with SCS (Gross)
9. HCS for HB 738
(Klarich)
10. HCS for HBs 441, 94 &
244 (Johnson)

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| <p>11. HB 453-Ransdall, et al,
with SCS (Steelman)</p> <p>12. HB 501-Bowman, et al,
with SCS (Steelman)
(In Budget Control)</p> <p>13. HCS for HB 581, with
SCS (Klindt)</p> <p>14. HB 133-Gambaro, with
SCS (Yeckel)</p> <p>15. HCS for HB 241, with
SCS (Caskey)</p> <p>16. HS for HCS for HBs
328 & 88-Harlan,
with SCS (Sims)</p> <p>17. HB 70-Koller, with
SCA 1 (Staples)</p> <p>18. HB 678-Seigfreid,
with SCS (Mathewson)</p> <p>19. HS for HCS for HB 824-
Abel (Mathewson)
(In Budget Control)</p> <p>20. HS for HCS for HBs 924,
714, 685, 756, 734 &
518-Wiggins, with SCS
(Mathewson)
(In Budget Control)</p> | <p>21. HB 769-Harlan (House)</p> <p>22. HS for HB 612-Ladd
Baker, with SCS (Sims)
(In Budget Control)</p> <p>23. HB 621-Gratz and
Vogel, with SCA 1
(Rohrbach)</p> <p>24. HB 262-Linton, et al,
with SCAs 1 & 2
(Klarich)</p> <p>25. HS for HCS for HB 327-
Rizzo, with SCS (Quick)
(In Budget Control)</p> <p>26. HB 219-Townley, et al,
with SCS (Cauthorn)</p> <p>27. HS for HB 736-Liese,
with SCS (Yeckel)
(In Budget Control)</p> <p>28. HCS for HB 780, with
SCS (Kenney)
(In Budget Control)</p> <p>29. HCS for HJR 7, with
SCS (Staples)</p> <p>30. HS for HB 882-Crump,
with SCS</p> <p>31. HB 249-Treadway, with SCS</p> |
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INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

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| <p>SB 65-Gibbons, with SCS</p> <p>SBs 67 & 40-Gross, with
SCS</p> <p>SB 68-Gross and House</p> <p>SB 99-Sims, with SCS</p> <p>SB 114-Loudon, with SCS,
SS for SCS & SA 1
(pending)</p> <p>SB 184-Johnson, et al,
with SS#2 (pending)</p> | <p>SB 222-Caskey, with SA 3
& SSA 1 for SA 3
(pending)</p> <p>SBs 238 & 250-Staples, et
al, with SCS (pending)</p> <p>SB 239-Stoll, with SCS &
SA 11 (pending)</p> <p>SB 251-Kinder</p> <p>SBs 253 & 260-Gross, with
SCS (pending)</p> |
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SB 331-DePasco, et al, with SCS & SS for SCS (pending)	SBs 459, 305, 396 & 450- Westfall, with SCS & SS for SCS (pending)
SB 373-Gibbons and Yeckel, with SCS	SB 469-Gross, et al
SBs 391 & 395-Rohrbach, with SCS & SS for SCS (pending)	SB 488-Klindt, et al, with SCS
SB 438-Bentley and Stoll, with SS, SS for SS & SA 1 (pending)	SB 535-Rohrbach, with SCS, SS for SCS & point of order (pending)
SB 445-Singleton, with SCS & SS for SCS (pending)	SB 546-Kenney, et al, with SCS
SB 454-Kinder, with SCS	SB 583-Yeckel
SB 455-Kinder, et al, with SCS	SB 586-Klindt, with SCS & SA 2 (pending)
	SB 593-Klindt, with SCS
	SJR 11-Yeckel

HOUSE BILLS ON THIRD READING

HB 80-Ross, with SCS & SA 9 (pending) (Kenney)	HB 662-Green (73) and St. Onge, with SCS & SA 2 (pending) (Foster)
HB 285-Riback Wilson, et al, with SS, SS for SS, SA 8 & point of order (pending) (Jacob)	HS for HCS for HB 762- Barry, with SCS, SS for SCS, SA 8 & SSA 1 for SA 8 (pending) (Sims and Stoll)
HS for HB 381-Hoppe, with SCS, SS for SCS & SA 12 (pending) (Kenney)	HB 949-Barry, with SCS, SS for SCS & SA 7 (pending) (Sims)
HB 385-Franklin, with SCS, SS for SCS & SA 8 (pending) (Foster)	HB 954-Hosmer (Westfall)
HB 444-Kreider, et al, with SCA 1 (Wiggins)	HJR 5-Barry, et al, with SS, SA 1 & point of order (pending) (Yeckel)
HB 544-Holand and Treadway, with SA 1 (pending) (Bentley)	

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 143-Childers

Reported 2/19

SB 315-Childers, with SCS

Reported 3/5

SB 354-Johnson and Scott,
with SCS

Reported 3/12

SB 526-Dougherty, with SCS

Unofficial

House Bills

Reported 4/12

HB 111-Ladd Baker (Gross)

HB 309-McKenna, et al
(Stoll)

Journal

SENATE BILLS WITH HOUSE AMENDMENTS

SB 86-Rohrbach, with HCS,
as amended

SB 274-Caskey, with HCS
SB 307-Jacob, with HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

Copy

In Conference

SCS for SB 151-Childers, with HCS
(House requests further conference)

SS for SB 193-Rohrbach,
with HCS, as amended
(Senate offered CCR)

SS for SCS for SB 267-Klarich,
with HS for HCS, as amended
(Senate adopted CCR
and passed CCS)

SB 319-Carter, with HCS,
as amended

SS for SCS for SBs 323 &
230-Childers, with HS,
as amended

SB 462-Westfall, with HCS,
as amended

SB 610-Westfall,
with HCS

HCS for HBs 144 & 46,
with SS for SCS, as
amended (Kenney)
HCS for HBs 302 & 38, with
SCS, as amended (Westfall)

HS for HB 421-Hoppe, with
SS for SCS, as amended
(Kinder)
HCS for HB 567, with SS for
SCS, as amended (Klarich)

Requests to Recede or Grant Conference

SB 304-Klarich, with HCS
(Senate requests House
recede or grant conference)

Unofficial

RESOLUTIONS

SR 345-Quick, et al

SR 346-Kinder, with SA 3
& SSA 1 for SA 3 (pending)

Journal

Reported from Committee

SCR 8-Caskey, with SA 2
(pending)
SCR 17-Steelman, et al
HCR 16-Green and Holt
(House)
SR 495-Klarich, with SCS

SCR 33-Westfall
HCR 14-Koller (Staples)
HCR 22-Barnitz
HCR 23-Holand
HCR 12-Haywood (Goode)
HS for HCR 25-Graham (Jacob)

Reported from House with Amendments

SCR 3-Gross, et al, with HA 1
SCR 18-Goode, with HA 1

SCR 28-DePasco, with HCS

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,
with HCS
(Senate requests House
recede or grant conference)

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