

# Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FOURTH DAY—WEDNESDAY, MARCH 6, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

Gracious God, there are so many ways that we try to connect with You, in our offices, in our rooms, and even over breakfast. Help us to keep an appointed time with You to regroup, recharge, reflect and truly hear and understand Your instructions for us and Your purpose in what is required of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

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

Present—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy

Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—34		

Absent with leave—Senators—None

The Lieutenant Governor was present.

## CONCURRENT RESOLUTIONS

Senator Rohrbach moved that **SCR 49** be taken up for adoption, which motion prevailed.

On motion of Senator Rohrbach, **SCR 49** was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bentley	Bland	Schneider	Singleton—4
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Absent with leave—Senators—None

Senator Steelman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 55

WHEREAS, the over-2,000 miles of Route 66 is now a tourist attraction because it was how America traveled in the 1920's-60's and is full of old trading posts, gas stations, motels, diners and villages; and

WHEREAS, Missouri was the third state to completely pave its portion of "Route 66" and the highway runs through the City of Cuba, Missouri; and

WHEREAS, Viva Cuba, Incorporated, was established to oversee the painting of artistic and historical murals upon walls along "Route 66" within the City of Cuba and is the driving force behind this magnificent project; and

WHEREAS, the Viva Cuba committee has set a goal of completing 12 wall murals along the historic highway by 2007, which is also the City of Cuba's 150th anniversary; and

WHEREAS, one of the murals will depict "the Blue Bonnet" a World War II era steam engine train and another will feature faces of veterans of Crawford County from World War II; and

WHEREAS, an educational television crew from KET in Kentucky chose Cuba as one of only four cities on "Route 66" to film and recently spent time there filming the city with a major portion of their coverage about the mural project; and

WHEREAS, on May 7, 2001, the City of Cuba's Mayor John Koch proclaimed the city "Route 66 Mural City";

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby request the Governor to bestow the pseudonym of "Route 66 City of Murals" to the City of Cuba, Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Governor and the Mayor of the City of Cuba.

Senator Cauthorn offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 56

WHEREAS, a permanent electronic identification device to track all red meat-producing livestock from farm to table would be a great protective device for anti-bioterrorism; and

WHEREAS, such devices would be useful to the producers of red meat-producing livestock in controlling diseases as a method of tracing such livestock back to the farm; and

WHEREAS, such devices would be beneficial in providing

producers with livestock carcass information, including the rate of gain; and

WHEREAS, such devices would be most useful in generating information on the concept of "farm to table" to protect American consumers:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby encourage the Animal and Plant Inspection Service of the United States Department of Agriculture to develop and promulgate a permanent electronic identification program to be used on all red meat-producing livestock that would gather information and help protect the United States' consumer in the event of a bioterrorist threat; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the United States Department of Agriculture.

**THIRD READING OF SENATE BILLS**

**SB 967**, with **SCS**, introduced by Senator Kennedy, et al, entitled:

An Act to repeal section 84.160, RSMo, relating to police officers, and to enact in lieu thereof one new section relating to the same subject.

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

**SCS** for **SB 967**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 967**

An Act to repeal section 84.160, RSMo, relating to police officers, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

President Maxwell assumed the Chair.

Senator Kennedy moved that **SCS** for **SB 967** be adopted, which motion prevailed.

On motion of Senator Kennedy, **SCS** for **SB 967** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Yeckel—33

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**SB 950**, introduced by Senators Gibbons and Klarich, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of the Henry Shaw Ozark Corridor.

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

On motion of Senator Gibbons, **SB 950** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Yeckel—33

NAYS—Senators—None

Absent—Senator Singleton—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**SENATE BILLS FOR PERFECTION**

Senator Yeckel moved that **SB 675**, with **SCS** and **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SCS** for **SB 675**, as amended, was again taken up.

Senators Jacob and Stoll offered **SA 16**, which was read:

**SENATE AMENDMENT NO. 16**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 34, Section 115.163, Line 5, by inserting after all of said line the following: “**Confirmation notices to such voters required by section 115.193 shall be sent to the corrected address provided by the National Change of Address program.**”.

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

Senator Rohrbach assumed the Chair.

Senator Caskey offered **SA 17**, which was read:

**SENATE AMENDMENT NO. 17**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Pages 75-78, Section 115.645, by deleting all of

said section; and

Further amend title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

A quorum was established by the following vote:

Present—Senators

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

Absent—Senators

Coleman	House	Kinder	Singleton
Steelman—5			

Absent with leave—Senators—None

At the request of Senator Yeckel, **SB 675**, with **SCS** and **SS** for **SCS** and **SA 17** (pending), was placed on the Informal Calendar.

**MESSAGES FROM THE HOUSE**

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1406**, entitled:

An Act to amend chapter 174, RSMo, by adding thereto one new section relating to the board of regents of Northwest Missouri State University.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1402**, entitled:

An Act to repeal section 392.410, RSMo, and to enact in lieu thereof one new section relating to the rights of a political subdivision to use their telecommunications services or facilities.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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

**RECESS**

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

**RESOLUTIONS**

Senator Bland offered Senate Resolution No. 1149, regarding Reverend Jefferson David Edwards, Jr., Kansas City, which was adopted.

Senator Kinder offered Senate Resolution No. 1150, regarding Robert J. “Bob” Baer, St. Louis, which was adopted.

Senator Kinder offered Senate Resolution No. 1151, regarding the Seventy-fifth Birthday of Geraldine Young Love, Cape Girardeau, which was adopted.

Senators House and Gross offered Senate Resolution No. 1152, regarding the Seventy-fifth Anniversary of St. Charles First Assembly of God, which was adopted.

Senator House offered Senate Resolution No. 1153, regarding Nick Marler, St. Peters, which was adopted.

Senator House offered Senate Resolution No. 1154, regarding Jonathan D. Street, St. Charles, which was adopted.

**THIRD READING OF SENATE BILLS**

**SB 960**, with **SCS**, introduced by Senator Kenney, et al, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the creation of a special license plate.

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

**SCS** for **SB 960**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 960**

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the creation of a special license plate.

Was taken up.

Senator Kenney moved that **SCS** for **SB 960** be adopted, which motion prevailed.

On motion of Senator Kenney, **SCS** for **SB 960** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bentley	Coleman	Gross	Jacob
Johnson	Quick	Staples—7	

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**SB 966**, with **SCS**, introduced by Senator Kennedy, entitled:

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

Was called from the Consent Calendar and taken up.

**SCS** for **SB 966**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 966**

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

Was taken up.

Senator Kennedy moved that **SCS** for **SB 966** be adopted, which motion prevailed.

On motion of Senator Kennedy, **SCS** for **SB 966** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bentley	Coleman	Goode	Johnson
Staples—5			

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**SB 916**, with **SCS**, introduced by Senator Dougherty, et al, entitled:

An Act to repeal section 488.445, RSMo, relating to surcharges on civil cases/marriages, and to enact in lieu thereof one new section relating to the same subject.

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

**SCS** for **SB 916**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 916

An Act to repeal sections 488.005 and 488.445, RSMo, relating to surcharges on civil cases/marriages, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

Senator Dougherty moved that **SCS** for **SB 916** be adopted, which motion prevailed.

President Maxwell assumed the Chair.

On motion of Senator Dougherty, **SCS** for **SB 916** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Gibbons	Gross
Jacob	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Wiggins	Yeckel—26		

NAYS—Senators

FosterWestfall—2

Absent—Senators

Bentley	Coleman	Goode	House
Johnson	Staples—6		

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**RESOLUTIONS**

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1156

WHEREAS, the members of the Missouri Senate have been deeply saddened to learn of the death of Robert J. Loschke, of Kansas City; and

WHEREAS, Bob Loschke, as he was known to his family, friends and countless admirers, was a native of Kansas City and one of the greatest natural athletes ever to call Kansas City his home; and

WHEREAS, Bob Loschke attended St. James Grade School, Lillis High School, St. Louis University, University of Missouri and Benedictine College and throughout his life was an all star athlete in every sport, particularly basketball and baseball; and

WHEREAS, Bob Loschke followed his father and older brother, Leo, into the baseball world, pitching for the University of Missouri and later in the Detroit Tigers organization and finally came home to be a little league baseball coach, inspiring countless youngsters with his example of excellence in sports and how that translates into excellence in life; and

WHEREAS, Bob Loschke and his brother, Leo, were an unbeatable handball team, winning the annual YMCA Handball Tournament twice; and

WHEREAS, Mr. Loschke spent much of his adult life as an insurance agent, most recently for L. J. Gliern and Associates; and

WHEREAS, Bob Loschke was most of all a devoted father,

grandfather and family man in whose heart and love his family always came first:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute the memory of a great Kansas Citian, Robert J. Loschke, express their appreciation for his lifetime of good citizenship and his contributions and inspiration to the youth of Kansas City and extend to his family and many friends most sincere sympathy on his death; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the family of Robert J. Loschke.

### SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 675**, with **SCS, SS for SCS and SA 17** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 17** was again taken up.

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

Senator Caskey offered **SA 18**:

#### SENATE AMENDMENT NO. 18

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Pages 75-78, Section 115.645, by striking all of said section and inserting in lieu thereof the following:

**“115.645. 1. Upon a judicial determination of probable cause to believe that any violations of this chapter have occurred, the secretary of state shall have the power to investigate relevant persons and records as set forth in this section. Such power is limited to cases where:**

**(1) The secretary of state determines that a matter of statewide interest is adversely affected; and**

**(2) The secretary of state determines local law enforcement authorities are unwilling or unable to investigate the matter; and**

**(3) The local election authority requests the secretary of state to investigate; and**

**(4) A court of competent jurisdiction has determined probable cause exists that a violation of this chapter has occurred and that the persons or records sought to be examined are relevant.**

**2. The secretary of state may request a circuit judge to issue a subpoena to any witness who may have information for the purpose of oral examination under oath to require the production of books, papers, records or other material of evidentiary nature. The venue for seeking issuance of such subpoena shall be in the county or city not within a county where the witness or records are domiciled. Any request for subpoena shall:**

**(1) State the statute and section thereof, the alleged violation of which is under investigation, and the general subject matter of the investigation;**

**(2) Describe the class or classes of information, documentary material, or physical evidence to be produced thereunder with reasonable specificity so as to fairly indicate the material demanded;**

**(3) Prescribe a return date by which the information, documentary material, or physical evidence is to be produced; and**

**(4) Identify the members of the secretary of state's staff to whom the information, documentary material, or physical evidence requested is to be made available.**

**3. No request for subpoena shall:**

**(1) Contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of this state;**

**(2) Require the disclosure of any documentary material which would be privileged or which, for any other reason, could not be required by a subpoena duces tecum issued by a court of this state;**

**(3) Require any person to travel outside the county of his or her residence.**

**4. The secretary of state shall ensure the confidentiality of all reports, records, working papers, recorded information except that all such records shall be available to the local law enforcement officials if the secretary of state refers any alleged violation of this chapter for prosecution and to the local election authority except when the secretary of state alleges the local election authority has committed a violation of this chapter.**

**5. In investigating violations of this chapter the secretary of state and any local law enforcement officials shall refrain from any conduct which has the possibility of affecting the conduct or outcome of an election. No investigations of alleged violations of this chapter by the secretary of state or local law enforcement officials shall occur prior to an election and subpoenas requested prior to an election shall be issued only if sufficient evidence exist that information or documents sought under the subpoena will be unavailable after the election.**

**6. Upon the order of a court of competent jurisdiction, the secretary of state shall have the right to access records that are closed under this chapter or under chapter 610 if such records are necessary for the conduct of an investigation under this section.”.**

Senator Caskey moved that the above amendment be adopted.

Senator Steelman assumed the Chair.

Senator Jacob offered **SA 1 to SA 18**, which was read:

**SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 18**

Amend Senate Amendment No. 18 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 3, Section 115.645,

Lines 9-14, by deleting all of said lines and inserting in lieu thereof the following: **“the conduct or outcome of an election. Investigations of alleged violations of this chapter by the secretary of state or local law enforcement officials shall occur only after an election and subpoenas requested prior to an election shall be issued only after the counting of the ballots and posting of the election results.”.**

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

Senator Schneider offered **SA 2 to SA 18**:

**SENATE AMENDMENT NO. 2 TO  
SENATE AMENDMENT NO. 18**

Amend Senate Amendment No. 18 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 675, Page 1, Section 115.645, Line 20, by inserting after the word “request” the words “the attorney general to apply to”; and amend line 20 after the word “judge” the words “of proper venue”; and amend line 19, by inserting after said line:

**“2. The attorney general shall co-operate in any investigation initiated pursuant to subsection 1.”; and**

Further amend by renumbering the remaining subsections accordingly.

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

**SA 18**, as amended, was again taken up.

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

Senator Yeckel moved that **SS for SCS for SB 675**, as amended, be adopted, which motion prevailed.

On motion of Senator Yeckel, **SS for SCS for SB 675**, as amended, was declared perfected and ordered printed.



## MESSAGES FROM THE GOVERNOR

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

Office of the Governor

State of Missouri

### Proclamation

WHEREAS, during 2001 all major national forecasters envisioned an economy that would begin growing again during the last half of the year and continue with substantial growth during 2002; and

WHEREAS, instead of growing, the economy officially went into recession in April 2001, according to the National Bureau of Economic Research, which recession continues; and

WHEREAS, as a result of the recession and its effects, Missouri and the other states in our nation are struggling through difficult economic times, as demonstrated by the fact that the National Association of State Budget Officers' reports that Fiscal Year 2002 budget shortfalls totaling approximately \$40 billion dollars exist in 40 states, the National Conference of State Legislatures reports that at least 37 states and the District of Columbia face potential budget gaps in Fiscal Year 2003, and at least 25 states other than Missouri are using budget reserves in response to budget shortfalls; and

WHEREAS, the Missouri unemployment rate increased to 5.3% in January of 2002 from 4.4% in April 2001, when the recession began, and over 67,500 more Missourians were unemployed in January 2002 than in April 2001, resulting in less tax revenue to the states and an increase in needs for state services among the unemployed and their families; and

WHEREAS, since the terrorist attacks of September 11, economic recovery has been slower and weaker than expected, thereby exacerbating the recession; and

WHEREAS, measures related to homeland security after the attacks of September 11 will cost state and local governments millions of dollars for programs not covered by federal funding; and

WHEREAS, the U.S. Congress passed H.R. 1836, The Economic Growth and Tax Relief Reconciliation Act of 2001, which will reduce Missouri revenue collections by \$21.1 million in Fiscal Year 2002 and by \$41.6 million in Fiscal Year 2003; and

WHEREAS, State revenue collections have failed to keep pace with consensus revenue estimates that are agreed upon by the Governor's office and members of the House of Representatives and the Senate, and on which budgets have been built to address programs required by state and federal legislation and to respond to the pressures of a growing and aging population, to wit:

- The Fiscal Year 2002 consensus revenue estimate is \$6,419.2 million, a total of \$520.8 million below the \$6,940 million on which the budget is based,
- The Fiscal Year 2002 consensus revenue estimate is \$36.3 million below those actually received in Fiscal Year 2001, a .6 percent decline,
- The Fiscal Year 2003 consensus revenue estimate is \$149.5 million over the Fiscal Year 2002 estimate, a relatively anemic 2.3 percent growth,
- The Fiscal Year 2003 consensus revenue estimate is \$371.3 million below the amount needed to support the budget approved for Fiscal Year 2002,
- In Fiscal Year 2003 the State of Missouri faced a total of \$332.9 million in mandatory cost increases for Medicaid (\$157.5 million), corrections (\$48.3 million), state employee health care (\$13.4 million), and other items; and

WHEREAS, \$536 million in budget cuts and withholdings in the Fiscal Year 2002 budget have eliminated or reduced funding throughout the budget, making additional cuts in the core budget very difficult, which cuts and withholdings include:

- Withholding \$200.3 million in state agency operating budget spending,
- Withholding \$140.7 million in capital improvements spending, mostly for constructing buildings on the campuses of the state's colleges and universities,
- Withholding \$82.5 million in spending from the tobacco settlement and redirecting that money to general revenue,
- Vetoes of \$26.5 million from the budget,
- Reducing tax credits by \$7.5 million,
- Redirecting \$48.5 million in unobligated tobacco settlement funds and intergovernmental transfers to general revenue purposes,
- Redirecting \$30 million in funds from other state accounts to general revenue; and

WHEREAS, in Fiscal Year 2003 the Governor has recommended \$480 million in general revenue core reductions; and

WHEREAS, these core reductions include elimination of entire programs and reductions of 25 percent or more for other programs; and

WHEREAS, failing to provide additional funds by utilizing the budget reserve fund will require eliminating additional programs critical to the health, safety, and welfare of Missouri's most vulnerable citizens, including children, the elderly, and people with physical and mental disabilities; and

WHEREAS, the very purpose of the budget reserve fund, commonly known as the rainy day fund, as approved by the votes of this State, is to provide funds that the State can use in a time of great need, whether that need is occasioned by natural disaster, an economic downturn, or other circumstances, so that the State of Missouri has the ability to weather an economic storm; and

WHEREAS, the Constitution requires that the Governor declare an emergency so that the General Assembly may appropriate funds from the Budget Reserve Fund.

NOW, THEREFORE, I, Bob Holden, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, including Article III, section 27(a) of the Missouri Constitution and sections 44.010 to 44.130, RSMo, do hereby proclaim that an emergency exists in the State of Missouri as a result of the current economic conditions that prevail in the state of Missouri and the nation, which constitute a disaster of major proportions.

Bob Holden  
Governor

(Seal)

Attest:

Matt Blunt  
Secretary of State

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

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
March 6, 2002

TO THE SECRETARY OF THE SENATE  
91st GENERAL ASSEMBLY  
SECOND REGULAR SESSION  
STATE OF MISSOURI:

Herewith I return to you Conference Committee Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 650 entitled:

AN ACT

To repeal section 556.036, RSMo, and to enact in lieu thereof one new section relating to statute of limitations for sexual offenses, with penalty provisions and an emergency clause.

On March 6, 2002, I approved said Conference Committee Substitute for House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 650.

Respectfully submitted,  
BOB HOLDEN  
Governor

## INTRODUCTIONS OF GUESTS

Senator Sims introduced to the Senate, Renee Moore and J.B. Richman, St. Louis County.

Senator Wiggins introduced to the Senate, Tom Brown, Jim Harris, Larry Borgelt, Jim Baker, Jeanie Neff and Boy Scouts from St. Elizabeth Parish, Kansas City; and Peter Brown, Bobby Havey, Andrew Schofield, Vince Harris, Benny Ritz, Brett Jenkins, Andrew Borgelt, Teddy Hart, Matt Baker, Kolbe Krzyzanowski, Paul Jensen and Adam Neff were made honorary pages.

On behalf of Senator Klarich, the President introduced to the Senate, Kay Scott, and her children, Phillip James and Laurene Ashley, Ballwin; and Phillip and Laurene were made honorary pages.

Senator Stoll introduced to the Senate, Doug and Lisa Basham, and their children, Shane and Kendall, Hillsboro; and Shane and Kendall were made honorary pages.

Senator Wiggins introduced to the Senate, Tim, Mackenzie, Nick and Henry Hatfield, Jim, Mary Kate and Sarah Kelly and Kent, Peter and George Williams, Kansas City; and Mackenzie, Nick, Henry, Peter, George, Mary Kate and Sarah were made honorary pages.

Senator Bentley introduced to the Senate, Sherry Davis and Mary Christiano, Springfield.

Senator Wiggins introduced to the Senate, Christy Broce, sponsors and students from Westridge Elementary School, Raytown; and Brooke Boulware, Amy Mack, Jessica and John Newmann, Sadie Ronan and Rebekeh Hamilton were made honorary pages.

Senator Dougherty introduced to the Senate, Caron and Trey Scott, Kentucky.

Senator Loudon introduced to the Senate, Zirgham Bhatti and Nathan Hopkins, Marquette Senior High School, Chesterfield.

Senator Sims introduced to the Senate, representatives of Greater Missouri Leadership.

Senator Kennedy introduced to the Senate, Dana Beffa and Claire Wyneken, St. Louis.

On behalf of Senator Loudon and himself, Senator Klarich introduced to the Senate, Patrick Sherwood Banger, O'Fallon; Laura Kaiser, Chesterfield; and Mike Houlihan, University City.

Senator Kenney introduced to the Senate, Kathy Nevans and students from Truman High School, Independence.

Senator Schneider introduced to the Senate, students from Salem Lutheran School, St. Louis; and Todd Wever, Cory Remspecher, Sarah Radke and Brittany Griffin were made honorary pages.

Senator Gibbons introduced to the Senate, the Physician of the Day, Dr. James Boyd, M.D., St. Louis.

Senator Caskey introduced to the Senate, Patte' Klaus Schreihofner, Beth Knott, Malinda Davis, Sandy Anderson and representatives of the Belton High School PTSA and Belton PTA Council, Belton; and Chris Anderson, Zachary Craig, Brandon DeBolt and Jacob Morlok were made honorary pages.

Senator Singleton introduced to the Senate, his daughter, Catherine Singleton, Seneca; Jeremy Goins, Joplin; and Jacob Brower, Neosho.

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

# Unofficial

## SENATE CALENDAR

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THIRTY-FIFTH DAY—THURSDAY, MARCH 7, 2002

# Journal

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## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SRB 1236-Rohrbach  
SB 1248-Mathewson and  
Kenney  
SB 1249-Mathewson  
SB 1267-Westfall  
SB 1268-Westfall  
SB 1269-Cauthorn  
SB 1270-Klindt  
SB 1271-Klindt  
SB 1272-Klindt

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SB 1273-Goode  
SB 1274-Gibbons  
SB 1275-Gibbons  
SB 1276-Gibbons  
SB 1277-Caskey  
SB 1278-Bland  
SB 1280-Rohrbach  
SJR 38-Cauthorn and Steelman  
SJR 39-Gross and House  
SJR 40-Westfall

## HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al	HB 1495-Seigfreid
HS for HB 1399-Ransdall	HB 1348-Meyers, et al
HCS for HB 1154	HCS for HBs 1150, 1237 & 1327
HB 1519-Boucher	HCS for HB 1711
HB 1192-Harding and Boucher	HCS for HB 1398
HB 1151-Smith	HS for HB 1498-Johnson (90th)
HCS for HBs 1134, 1100 & 1559	HB 1432-Foley
HCS for HB 1451	HB 1477-Farnen
HCS for HB 1425	HB 1668-Holt, et al
HB 1634-Hoppe	HB 1446-Luetkenhaus
HB 1342-Farnen	HB 1078-Whorton, et al
HB 1381-Luetkenhaus	HB 1468-Ward
HB 1492-Seigfreid	HB 1086-Harlan
HB 1421-McKenna, et al	HB 1406-Barnett
HB 1375-Luetkenhaus	HB 1402-Burton, et al

## THIRD READING OF SENATE BILLS

SCS for SB 722-Bentley	SS for SCS for SB 1009-Rohrbach
SB 856-Russell	SB 895-Yeckel and Gross
(In Budget Control)	

## SENATE BILLS FOR PERFECTION

- |  |   |
|--|---|
| 1. SBs 641 & 705-Russell,<br>et al, with SCS     | 8. SB 959-Kenney and<br>Kinder, with SCS                                  |
| 2. SBs 721, 757, 818 &<br>930-Westfall, with SCS | 9. SBs 817, 978 & 700-<br>Gross, with SCS                                 |
| 3. SB 665-Kenney                                 | 10. SBs 837, 866, 972 &<br>990-Cauthorn, with SCS                         |
| 4. SB 836-Gross and<br>Dougherty, with SCS       | 11. SBs 688, 663, 691, 716,<br>759, 824 & 955-Gibbons,<br>et al, with SCS |
| 5. SB 840-Gross and<br>Russell, with SCS         | 12. SBs 894, 975 & 927-<br>Kinder, with SCS                               |
| 6. SB 740-Wiggins                                |   |
| 7. SB 687-Gibbons and Yeckel                     |   |

13. SBs 670 & 684-Sims,  
with SCS
14. SB 1005-Loudon
15. SBs 741, 929 & 871-  
Wiggins, with SCS
16. SBs 1061 & 1062-  
Rohrbach and Kenney,  
with SCS
17. SBs 843 & 658-Stoll,  
with SCS
18. SB 647-Goode, with SCS
19. SBs 969, 673 & 855-  
Westfall and Bentley, with SCS
20. SB 1059-Bentley, et al, with SCS
21. SB 1052-Sims, with SCS
22. SB 884-DePasco and  
Kenney, with SCS
23. SBs 984 & 985-  
Steelman, with SCS
24. SB 1046-Gross and  
House, with SCS
25. SB 1103-Westfall, et al
26. SBs 915, 710 & 907-  
Westfall, et al, with SCS
27. SBs 923, 828, 876, 694  
& 736-Sims, with SCS
28. SB 676-Yeckel, et al, with SCS
29. SB 900-Goode, et al, with SCS
30. SB 1107-Childers, with SCS
31. SB 912-Mathewson,  
with SCS
32. SB 892-Kenney, with SCS
33. SB 910-Gibbons
34. SB 1104-Mathewson
35. SB 954-Loudon, with SCS
36. SB 1014-Klindt and Kinder
37. SB 1152-Klarich, with SCS

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INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

- |   |  |
|---|--|
| SB 651-Singleton and<br>Russell, with SCS (pending)                         | SB 881-Steelman and<br>Yeckel, with SCS & SS<br>for SCS (pending)  |
| SB 659-House and Kenney,<br>with SS#2, SA 3 and<br>SSA 1 for SA 3 (pending) | SBs 958 & 657-Kinder, with SCS   |
| SB 660-Westfall, et al,<br>with SCS (pending)                               | SBs 970, 968, 921, 867, 868<br>& 738-Westfall, et al, with<br>SCS, SS for SCS, SS for<br>SS for SCS & SA 6 (pending) |
| SBs 662 & 704-Westfall,<br>with SCS & SA 4 (pending)                        | SJR 23-Singleton, with SS,<br>SA 1 & SSA 1 for SA 1<br>(pending)   |
| SB 668-Bentley, with SS &<br>SA 1 (pending)                                 |  |

## CONSENT CALENDAR

## Senate Bills

Reported 2/5

SB 995-Rohrbach

Reported 2/25

SB 1094-Russell

SB 941-DePasco

SB 834-Sims, with SCS

SB 1071-Klindt, with SCS

Reported 2/26

SB 988-Caskey, with SCS

SB 1078-Kennedy

SBs 1086 & 1126-DePasco,  
with SCS

SB 1109-Yeckel

SB 1004-Loudon, with SCA 1

SB 1132-Kennedy, with SCS

SB 1106-Klarich, with SCS

SB 795-Schneider, with SCA 1

SB 962-Wiggins

SB 1113-Caskey, with SCS

SB 1168-Russell

Reported 3/4

SB 1140-Rohrbach

SB 1012-Caskey, with SCA 1

SB 1151-Kinder, with SCS

SB 1102-Westfall

SB 794-Bland

SB 680-Bland

SB 1050-Foster

SB 980-Singleton and

SB 859-Russell

Schneider, with SCS

SB 821-Dougherty and  
Gross, with SCSSB 1127-Johnson, et al,  
with SCS

Reported 3/5

SB 810-Dougherty, with SCS

SB 1179-Caskey and

SB 1028-Russell

Dougherty

SB 1143-Jacob

SB 1128-Johnson

SB 1007-Stoll, with SCS

SB 1186-Kenney

SB 1210-Johnson, with SCS

RESOLUTIONS

SR 1026-Jacob, with SA 1  
(pending)

SR 1028-Schneider

To be Referred

SCR 54-Sims  
SCR 55-Steelman

SCR 56-Cauthorn

Reported from Committee

SR 1054-Singleton

SCR 51-Mathewson and  
Yeckel, with SCA 1

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