

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-EIGHTH DAY—WEDNESDAY, MARCH 13, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

“Do not be conformed to this world, but be transformed by the renewal of your mind.” (Romans 12:2)

O God source of all life: we come to You knowing these are difficult times and we need to discover that the familiar old ways of doing things may not work now. Transform our hearts and thoughts that we may deal creatively to the paradigm shifts happening about us and surrender fully to Your will, obedient in the world You are creating anew. 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.

President Maxwell assumed the Chair.

Photographers from KRCG-TV and the Jefferson City News Tribune were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—34		

Absent with leave—Senators—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Staples offered Senate Resolution No. 1218, regarding Arthur Mayer, Jr., New Jersey, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Singleton, Chairman of the Committee on State Budget Control, submitted the following reports:

Mr. President: Your Committee on State Budget Control, to which were referred **SB 856** and **SS** for **SCS** for **SB 675**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

SB 1078, introduced by Senator Kennedy, entitled:

An Act to repeal section 59.800, RSMo, relating to the statutory county recorder’s fund, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Kennedy, **SB 1078** 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
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Singleton	Staples	Steelman	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Jacob	Sims	Stoll—3
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Absent with leave—Senator Bland—1

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 1109, introduced by Senator Yeckel, entitled:

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to drivers’ licenses.

Was called from the Consent Calendar and

taken up.

On motion of Senator Yeckel, **SB 1109** 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
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Jacob	Schneider—2
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Absent with leave—Senator Bland—1

The President declared the bill passed.

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

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

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

SB 1132, with **SCS**, introduced by Senator Kennedy, entitled:

An Act to repeal section 193.065, RSMo, relating to local registrars, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 1132**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1132

An Act to repeal section 193.065, RSMo, relating to local registrars, and to enact in lieu thereof one new section relating to the same

subject.

Was taken up.

Senator Kennedy moved that **SCS** for **SB 1132** be adopted, which motion prevailed.

On motion of Senator Kennedy, **SCS** for **SB 1132** 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	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Russell	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Coleman Rohrbach Schneider—3

Absent with leave—Senator Bland—1

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 1113, with **SCS**, introduced by Senator Caskey, entitled:

An Act to repeal sections 58.096, 58.260, 58.270, 58.280, 58.290, 58.310, 58.330, 58.340, 58.360, 58.410 and 58.430, RSMo, relating to coroners, and to enact in lieu thereof eleven new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 1113**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1113

An Act to repeal sections 58.260, 58.270, 58.310, 58.330, 58.340 and 58.360, RSMo, relating to coroners, and to enact in lieu thereof six new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Caskey moved that **SCS** for **SB 1113** be adopted, which motion prevailed.

On motion of Senator Caskey, **SCS** for **SB 1113** 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	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Klarich Staples—2

Absent with leave—Senator Bland—1

The President declared the bill passed.

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

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

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

SB 1168, introduced by Senator Russell, entitled:

An Act to authorize the conveyance of certain

property to the city of Lebanon.

Was called from the Consent Calendar and taken up.

On motion of Senator Russell, **SB 1168** 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
Johnson	Kennedy	Kenney	Kinder
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Singleton	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Jacob Klarich Staples—3

Absent with leave—Senator Bland—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.

SENATE BILLS FOR PERFECTION

Senator Russell moved that **SB 641** and **SB 705**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Schneider requested unanimous consent of the Senate to change the word “two” to “eight”, which request was granted.

At the request of Senator Schneider, the request for a roll call vote was withdrawn.

Senator Schneider moved that **SA 2** be adopted, which motion prevailed.

Senator Schneider offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 641 and 705, Page 2, Section 105.510, Line 39, by inserting after all of said line the following:

“105.520. Whenever such proposals are presented by the exclusive bargaining representative to a public body, the public body or its designated representative or representatives shall meet, confer and discuss such proposals [relative to] **and bargain in good faith regarding** salaries and other conditions of employment of the employees of the public body with the labor organization which is the exclusive bargaining representative of its employees in a unit appropriate. Upon the completion of discussions, the results shall be reduced to writing and be presented to the appropriate administrative, legislative or other governing body in the form of an ordinance, resolution, bill or other form required for adoption, modification or rejection.”; and

Further amend the title and enacting clause accordingly.

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

Senator Schneider offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 641 and 705, Page 2, Section 105.510, Line 36, by striking the word “and” and inserting in lieu thereof the following: “**except that nothing in this act shall be construed to prohibit a department or agency from recognizing, bargaining with, and entering into a contract with an exclusive bargaining representative of an appropriate unit comprised solely of security guards, capitol police, or park rangers;**”

And further amend said bill, line 39, by adding the following:

“105.530. [Nothing contained in sections 105.500 to 105.530 shall be construed as granting a right to employees covered in sections 105.500 to 105.530 to strike.] **1. It shall be unlawful for public employees to strike. If a strike occurs, the public body may initiate in the circuit court of jurisdiction where the strike occurs, an action for injunctive relief.**

2. It shall be unlawful for any department or agency to authorize, consent to, or condone any strikes, or to pay or agree to pay a public employee for any day in which the employee participates in a strike.

3. If an employee organization or any of its officers is held to be in contempt of court for failure to comply with an injunction issued pursuant to this section, the employee organization shall be immediately decertified as the exclusive bargaining representative and shall cease to receive any dues by payroll deduction.

4. If a public employee is held to be in criminal contempt of court for failure to comply with an injunction issued pursuant to this section, the court may order that the employee be immediately discharged from his employment, or that notwithstanding the provisions of chapter 36, RSMo, the employee forfeit all seniority rights, or that the employee be ineligible for any employment by the same employer for a period of twelve months or any combination of such sanctions.

5. The term “strike”, employee's refusal in concerted action with others, to report to duty, or the willful absence from one's position, the stoppage of work or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment, for the purpose of inducing, influencing or coercing a change in the conditions or compensations or

the rights, privileges or obligations of public employment.”; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Gross assumed the Chair.

Senator Rohrbach requested a division of the question on **SA 4**, asking that a vote first be taken on the portion of the amendment dealing with Section 105.510, and that a second vote be taken on the portion of the amendment dealing with Section 105.530, which request was granted.

Part I of SA 4 was taken up.

Senator Schneider moved that **Part I** be adopted and requested a roll call vote be taken. He was joined in his request by Senators Coleman, House, Kennedy and Wiggins.

Part I of SA 4 failed of adoption by the following vote:

YEAS—Senators

Caskey	Coleman	DePasco	Dougherty
Goode	House	Jacob	Kennedy
Mathewson	Quick	Schneider	Stoll
Wiggins—13			

NAYS—Senators

Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Sims	Singleton	Steelman
Westfall	Yeckel—18		

Absent—Senators

Johnson Staples—2

Absent with leave—Senator Bland—1

Part II for SA 4 was taken up.

Senator Rohrbach offered **SA 1** to **Part II** of **SA 4**:

SENATE AMENDMENT NO. 1 TO
PART II OF

SENATE AMENDMENT NO. 4

Amend Part II of Senate Amendment No. 4 to Senate Committee Substitute for Senate Bills Nos. 641 and 705, Page 1, Section 105.530, Line 14, by deleting on said line the word “may” and insert in lieu thereof the word “shall”; and

Further amend said amendment and section, page 2, line 6 of said page, by deleting the word “may” on said line and inserting in lieu thereof the word “shall”.

Senator Rohrbach moved that the above amendment be adopted.

Senator Schneider requested a roll call vote be taken on the adoption of **SA 1 to Part II of SA 4**. He was joined in his request by Senators Caskey, Coleman, Russell and Wiggins.

SA 1 to Part II of SA 4 was adopted by the following vote:

YEAS—Senators

Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Sims	Singleton	Steelman
Westfall	Yeckel—18		

NAYS—Senators

Caskey	Coleman	DePasco	Dougherty
House	Jacob	Johnson	Kennedy
Mathewson	Quick	Schneider	Stoll
Wiggins—13			

Absent—Senators

Goode Staples—2

Absent with leave—Senator Bland—1

Part II of SA 4, as amended, was again taken up.

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

At the request of Senator Russell, **SB 641** and

SB 705, with **SCS**, as amended (pending), were 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 **HCS** for **HB 1115**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2002.

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 adopted and third read **HCS** for **HCR 11**.

HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE CONCURRENT RESOLUTION NO. 11

WHEREAS, the State of Missouri borders 488 miles of the Mississippi River; and

WHEREAS, many of Missouri's locks and dams are more than 60 years old and only 600 feet long, making them unable to accommodate modern barge tows of 1,200 feet long, nearly tripling locking times, and causing lengthy delays and ultimately increasing shipping costs; and

WHEREAS, the use of 1,200-foot locks has been proven nationwide as the best method of improving efficiency, reducing congestion, and modernizing the inland waterways; and

WHEREAS, the construction of the lock and dam system has spurred economic growth and a higher standard of living in the Mississippi and Illinois river basin, and today supplies more than 300 million tons of the nation's cargo, supporting more than

400,000 jobs, including 90,000 in manufacturing; and

WHEREAS, more than 60 percent of American agriculture exports, including corn, wheat, and soybeans, are shipped down the Mississippi and Illinois rivers on the way to foreign markets; and

WHEREAS, Missouri farmers, producers, and consumers rely on efficient transportation to remain competitive in a global economy, and efficiencies in river transport offset higher production costs compared to those incurred by foreign competitors; and

WHEREAS, the Upper Mississippi and Illinois lock and dam system saves our nation more than 1.5 billion dollars in higher transportation costs each year, and failing to construct 1,200-foot locks will cause farmers to use more expensive alternative modes of transportation, including trucks and trains; and

WHEREAS, according to the United States Army Corps of Engineers, congestion along the Upper Mississippi and Illinois rivers is costing Missouri and other producers and consumers in the basin 98 million dollars a year in higher transportation costs; and

WHEREAS, river transportation is the most environmentally friendly form of transporting goods and commodities, creating almost no noise pollution and emitting 35 to 60 percent fewer pollutants than either trucks or trains according to the United States Environmental Protection Agency; and

WHEREAS, moving away from river transport would add millions of trucks and rail cars to our nation's infrastructure, adding air pollution, traffic congestion, and greater wear and tear on highways; and

WHEREAS, backwater lakes created by the lock and dam system provide breeding grounds for migratory waterfowl and fish; and

WHEREAS, the lakes and 500 miles of wildlife refuge also support a billion-dollar-a-year recreational industry, including hunting, fishing, and tourism jobs; and

WHEREAS, upgrading the system of locks and dams on the Upper Mississippi and Illinois rivers will provide 3,000 high-paying construction and related jobs over a 15 to 20 year period with health benefits which will benefit not only those directly employed, but the local health care systems and economies of the communities in which these individuals live and work; and

WHEREAS, in 1999, the State of Missouri shipped 18.8 million tons of commodities, including grain, coal, chemicals, aggregates, and other products; and

WHEREAS, 38.6 million tons of commodities, including grain, coal, chemicals, aggregates, and other products, were shipped to, from, and within Missouri by barge, representing 4.2 billion dollars in value; and

WHEREAS, shippers moving by barge in Missouri realized

a savings of approximately \$380 million compared to other transportation modes; and

WHEREAS, Missouri docks shipped products by barge to 18 states and received products from 17 states; and

WHEREAS, the Port of Metropolitan St. Louis shipped and received 32.6 million tons of commodities in 1999 worth over 5 billion dollars and is the second busiest inland port in the United States, linking rural Missouri and St. Louis with world markets; and

WHEREAS, there are approximately 183 manufacturing facilities, terminals, and docks on the waterways of Missouri, representing thousands of jobs in this state:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, hereby recognize the importance of inland waterway transportation to Missouri agriculture and industry in the state, the region, and the nation, and urge the United States Congress to authorize funding to construct 1,200-foot locks on the Upper Mississippi and Illinois River System; 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, the Chair of the United States Senate Committee on Commerce, Science, and Transportation, the Chair of the United States House Committee on Transportation and Infrastructure, 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 adopted and third read **HCR 21**.

HOUSE CONCURRENT RESOLUTION NO. 21

WHEREAS, members of the National Guard as active duty military service members serve our nation at the call of the President of the United States in time of national emergency and in homeland defense initiatives; and

WHEREAS, members of the National Guard take an oath and serve at the call of the President and the Governors in times of emergency; and

WHEREAS, retired National Guard members with a minimum of 20 years of service receive entitlements similar to those

of active duty military retiree's, including monthly retirement checks, prescription medical services, and access to worldwide space-available military travel; and

WHEREAS, members of the National Guard are compensated and receive base pay and allowances funded by the United States Department of Defense based on the same compensation programs as active duty military personnel; and

WHEREAS, as a result of the extended service provided by members of the Missouri National Guard in support of the nation in times of national emergency, retired members with a minimum of 20 years of service with the National Guard should receive the same United States Department of Veterans Affairs (USDVA) entitlements as an active duty military retiree, including access to Missouri state veterans homes and veterans administration hospitals and USDVA prescription medical benefits:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, hereby urge the United States Department of Veterans Affairs to amend their current policies and rules to provide reimbursement to the State of Missouri for National Guard member-related costs for stays in Missouri state veterans homes, and to allow National Guard veterans with a minimum of 20 years of service to participate in the per diem program and receive treatment and service at United States Department of Veterans Affairs veterans hospitals and receive prescription medical benefits in the same manner as active duty military veterans; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Anthony J. Principi, Secretary of Veterans Affairs.

In which the concurrence of the Senate is respectfully requested.

REPORTS OF STANDING COMMITTEES

Senator Klarich, Chairman of the Committee on Judiciary, submitted the following reports:

Mr. President: Your Committee on Judiciary, to which was referred **SB 1130**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Judiciary,

to which was referred **SB 1137**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Rohrbach, Chairman of the Committee on Insurance and Housing, submitted the following report:

Mr. President: Your Committee on Insurance and Housing, to which was referred **SB 1227**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Sims, Chairman of the Committee on Aging, Families and Mental Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 1244**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 1259**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 1258**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families and Mental Health, to which was referred **SB 732**, begs leave to report that it has considered

the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Gibbons, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1217**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

RESOLUTIONS

Senator Foster offered Senate Resolution No. 1219, regarding Martha Lou Ella McCamish Duffie-Reynolds, Bernie, which was adopted.

Senator Foster offered Senate Resolution No. 1220, regarding Clel Yancey, Poplar Bluff, which was adopted.

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.

President Maxwell assumed the Chair.

THIRD READING OF SENATE BILLS

SB 1151, with **SCS**, introduced by Senator Kinder, entitled:

An Act to repeal section 94.875, RSMo, relating to tourism tax trust funds in certain cities, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 1151**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1151

An Act to repeal section 94.875, RSMo, relating to tourism tax trust funds in certain cities, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Kinder moved that **SCS** for **SB 1151** be adopted, which motion prevailed.

On motion of Senator Kinder, **SCS** for **SB 1151** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Caskey	Cauthorn	Childers	Coleman
Dougherty	Foster	Gibbons	Goode
Gross	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Stelman
Stoll	Westfall	Wiggins—27	

NAYS—Senators—None

Absent—Senators

Bentley	House	Jacob	Staples
Yeckel—5			

Absent with leave—Senators

Bland	DePasco—2
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The President declared the bill passed.

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

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

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

SB 1050, introduced by Senator Foster, entitled:

An Act to repeal section 162.431, RSMo,

relating to school district boundary changes, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Foster, **SB 1050** was read the 3rd time and passed by the following vote:

YEAS—Senators

Caskey	Cauthorn	Childers	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Klarich	Klindt	Loudon
Rohrbach	Russell	Schneider	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel—25			

NAYS—Senator Kinder—1

Absent—Senators

Bentley	Coleman	Mathewson	Quick
Singleton	Staples—6		

Absent with leave—Senators

Bland	DePasco—2
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The President declared the bill passed.

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

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

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

SB 859, introduced by Senator Russell, entitled:

An Act to repeal section 160.545, RSMo, relating to the A+ schools program, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Russell, **SB 859** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Coleman	Quick	Staples—3
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Absent with leave—Senators

Bland	DePasco—2
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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.

SCS for **SB 722**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 722

An Act to repeal section 168.081, RSMo, relating to alternative certification standards for principals, and to enact in lieu thereof two new sections relating to the same subject, with an expiration date for a certain section.

Was taken up by Senator Bentley.

On motion of Senator Bentley, **SCS** for **SB 722** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich

Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins

Yeckel—29

NAYS—Senators—None

Absent—Senators

Jacob	Schneider	Staples—3
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Absent with leave—Senators

Bland	DePasco—2
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The President declared the bill passed.

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

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

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

SB 856, introduced by Senator Russell, entitled:

An Act to amend chapter 135, RSMo, by adding thereto two new sections relating to enterprise zones.

Was taken up.

On motion of Senator Russell, **SB 856** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Mathewson	Staples—2
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Absent with leave—Senators	
Bland	DePasco—2

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

SS for **SCS** for **SB 1009**, introduced by Senator Rohrbach, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1009

An Act to repeal sections 375.345 and 376.311, RSMo, relating to investments by insurance companies, and to enact in lieu thereof two new sections relating to the same subject.

Was taken up.

On motion of Senator Rohrbach, **SS** for **SCS** for **SB 1009** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bentley	Quick	Schneider	Staples—4
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Absent with leave—Senators

Bland	DePasco—2
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The President declared the bill passed.

On motion of Senator Rohrbach, title to the

bill was agreed to.

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

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

SB 895, introduced by Senators Yeckel and Gross, entitled:

An Act to repeal sections 30.270, 362.020, 362.106, 362.117, 362.170, 362.245, 362.270, 362.275, 362.335, 364.120, 365.100, 365.140, 367.518, 369.144, 385.050, 400.9-303, 408.083, 408.140, 408.170, 408.320, 408.556, 408.557, 525.070, 700.350, RSMo, section 375.065 as enacted by house committee substitute for senate substitute for senate bill no. 193, ninety-first general assembly, first regular session and section 375.065 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 896, ninetieth general assembly, second regular session, relating to financial services, and to enact in lieu thereof twenty-six new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Yeckel.

On motion of Senator Yeckel, **SB 895** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bentley Klarich Staples—3

Absent with leave—Senators

Bland DePasco—2

The President declared the bill passed.

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

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

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

SS for **SCS** for **SB 675**, introduced by Senator Yeckel, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 675

An Act to repeal sections 28.160, 115.013, 115.027, 115.081, 115.083, 115.085, 115.087, 115.089, 115.095, 115.097, 115.099, 115.101, 115.122, 115.123, 115.133, 115.135, 115.137, 115.151, 115.157, 115.159, 115.160, 115.162, 115.163, 115.179, 115.195, 115.225, 115.233, 115.237, 115.277, 115.279, 115.283, 115.287, 115.291, 115.409, 115.417, 115.419, 115.427, 115.429, 115.433, 115.439, 115.453, 115.493 and 115.613, RSMo, relating to elections, and to enact in lieu thereof fifty-four new sections relating to the same subject, with penalty provisions and an emergency clause for a certain section.

Was taken up.

On motion of Senator Yeckel, **SS** for **SCS** for **SB 675** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Quick Staples—2

Absent with leave—Senators

Bland DePasco—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Quick Singleton Staples—3

Absent with leave—Senators

Bland DePasco—2

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

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

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

SENATE BILLS FOR PERFECTION

Senator Kenney moved that **SB 665** be taken up for perfection, which motion prevailed.

Senator Kenney offered **SS** for **SB 665**, entitled:

**SENATE SUBSTITUTE FOR
SENATE BILL NO. 665**

An Act to amend chapter 182, RSMo, by adding thereto two new sections relating to public libraries, with penalty provisions.

Senator Kenney moved that **SS** for **SB 665** be adopted.

Senator Kenney offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 665, Page 1, Section 182.825, Line 9 of said page, by striking the word “a” and inserting in lieu thereof the following: “**an elementary or secondary**”.

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

Senator Klindt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 665, Page 1, Section A, Line 3, by inserting after all of said bill the following:

“43.653. The state highway patrol is hereby authorized to create, direct, control and supervise the “Missouri Regional Computer Forensics Lab” (RCFL). The state highway patrol has the ability to bring together federal, state, and local resources to fight computer crimes for the purposes listed in section 43.656. The RCFL shall be located within a twenty-five mile radius of an international airport.

43.656. It is hereby found and declared that:

(1) With the widespread use of computers, the Internet and electronic devices to commit crimes and the critical lack of resources at state and local levels;

(2) Modern day criminals have learned to exploit the Internet and electronic communication to leverage computer

technology to reach a virtually unlimited number of victims while maintaining a maximum level of anonymity, computer crimes will continue to mount, especially in, but not limited to, the areas of child pornography and sexual offenses involving children, consumer fraud and harassment.

(3) It is necessary for the protection of the citizens of this state that provisions be made for the establishment of the Missouri regional computer forensics lab to prevent and reduce computer, Internet and other electronically-based crimes.

43.659. The state highway patrol shall have the power, as necessary or convenient to carry out and effectuate the purposes and provisions of sections 43.653 to 43.656, to enter into agreements or other transactions with, negotiate memorandum of understanding with all governmental agencies, participate in interstate computer forensic matters as they relate to the purposes of the center, both within and outside the state when necessary or appropriate, or when required to do so by a proper authority and accept grants and the cooperation of, the United States or any agency or instrumentality thereof or of this state or any agency or instrumentality thereof, in furtherance of the purposes of this section, and to do any and all things necessary in order to avail itself of such aid and cooperation.”; and

Further amend the title and enacting clause accordingly.

Senator Klindt moved that the above amendment be adopted.

Senator Singleton offered SA 1 to SA 2:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Bill No. 665, Page 1, Section 43.653, Line 3, by deleting “state highway patrol” and inserting “**Director, Missouri Department of**

Public Safety”; and on line 5, by deleting “state highway patrol” and inserting “**Director**”; and

Further on page 2, Section 43.659, line 3, by deleting “state highway patrol” and inserting “**Director, Missouri Department of Public Safety**”.

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

SA 2, as amended, was again taken up.

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

Senator Caskey offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Bill No. 665, Page 1, Section 182.827, Lines 13-17, by striking said lines and inserting in lieu thereof the following: “**computer shall do one or more of the following:**

(1) Equip the computer with software that will limit minors' ability to gain access to material that is pornographic for minors or purchase Internet connectivity from an Internet service provider that provides filter services to limit access to material that is pornographic for minors;

(2) Develop and implement by January 1, 2003, a policy that is consistent with community standards and establishes measures to restrict minors from gaining computer access to material that is pornographic for minors.
Standards”.

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 Jacob, Kenney, Loudon and Wiggins.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Childers
Dougherty	Jacob	Johnson	Mathewson

Quick Schneider Stoll Westfall
Wiggins—13

NAYS—Senators

Cauthorn Foster Gibbons Gross
House Kennedy Kenney Kinder
Klindt Loudon Rohrbach Russell
Sims Singleton Steelman Yeckel—16

Absent—Senators

Coleman Goode Klarich Staples—4

Absent with leave—Senator DePasco—1

Senator Loudon offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Bill No. 665, Page 2, Section 182.827, Line 29, by inserting after all of said line the following:

“570.320. 1. No person shall operate a website on the Internet that causes another person's computer to dial a long distance telephone number without that other person's knowledge.

2. Any person who violates the provisions of subsection 1 of this section is guilty of a class A misdemeanor unless the long distance charges exceed one hundred fifty dollars, in which case the person is guilty of a class C felony.”; and

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 4** is out of order as the amendment exceeds the scope and purpose of the bill.

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

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

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No.

665, Page 2, Section 182.827, Lines 16-19, by deleting said lines.

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 Mathewson, Sims, Stoll and Wiggins.

Senator Gibbons assumed the Chair.

Senator Schneider offered **SSA 1** for **SA 5**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Bill No. 665, Page 2, Section 182.827, Line 19, by striking said line and substitute the words: “loss of office or dismissal”.

Senator Schneider moved that the above substitute amendment be adopted.

At the request of Senator Schneider, **SSA 1** for **SA 5** was withdrawn.

At the request of Senator Caskey, the request for a roll call vote was withdrawn.

SA 5 was again taken up.

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

Senator Kenney moved that **SS** for **SB 665**, as amended, be adopted, which motion prevailed.

On motion of Senator Kenney, **SS** for **SB 665**, as amended, was declared perfected and ordered printed.

Senator Gross moved that **SB 836**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 836**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 836

An Act to repeal sections 32.087 and 144.190, RSMo, and to enact in lieu thereof three new sections relating to the sales tax and refund procedures related to mobile telecommunications services, with an effective date.

Was taken up.

Senator Gross moved that **SCS** for **SB 836** be adopted.

Senator Gross offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 836, Page 4, Section 32.087, Line 85, by striking the word “sales” and inserting in lieu thereof the following: “**taxes**”; and

Further amend said bill, page 6, Section 144.190, line 11, by striking “144.510” and inserting in lieu thereof the following: “**144.525**”; and

Further amend said bill and section, page 7, line 28, by striking “92 and” and inserting in lieu thereof the following: “**70, 92,**”; and further amend line 29, by inserting immediately after “94,” the following: “**162, 190, 238, 321 and 644,**”; and further amend line 38, by striking all of said line and inserting in lieu thereof the following: “**section 144.013;**”.

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

Senator Gross moved that **SCS** for **SB 836**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **SB 836**, as amended, was declared perfected and ordered printed.

Senator Gross moved that **SB 840**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 840**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 840

An Act to repeal section 516.097, RSMo, relating to certain tort actions, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Gross moved that **SCS** for **SB 840** be adopted.

Senator Gross offered **SS** for **SCS** for **SB 840**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 840

An Act to repeal section 516.097, RSMo, relating to certain tort actions, and to enact in lieu thereof one new section relating to the same subject.

Senator Gross moved that **SS** for **SCS** for **SB 840** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 840, Pages 2 and 3, Section 516.097.6, Lines 28 and 1, by deleting all of said lines and inserting in lieu thereof the following: “not apply. The recorder shall be allowed a fee consistent with those fees proscribed in Section 59.313.3(1) for recording each certificate.”.

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

Senator Schneider offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 840, Page 3, Section 516.097, Line 6, by inserting after all of said line the following:

“537.600. 1. Such sovereign or governmental tort immunity as existed at common law in this state prior to September 12, 1977, except to the extent waived, abrogated or modified by statutes in effect prior to that date, shall remain in full force and effect; except that, the immunity of the public entity from liability and suit for compensatory damages for negligent acts or omissions is hereby expressly waived in the following instances:

(1) Injuries directly resulting from the negligent acts or omissions by public employees arising out of the operation of motor vehicles or motorized vehicles within the course of their employment;

(2) Injuries caused by the condition of a public entity's property if the plaintiff establishes that:

(a) The property was in dangerous condition at the time of the injury[, that];

(b) The injury directly resulted from the dangerous condition[, that];

(c) The dangerous condition created a reasonably foreseeable risk of harm of the kind of injury which was incurred[, and that]; **and**

(d) Either a negligent or wrongful act or omission of an employee of the public entity within the course of his employment created the dangerous condition or a public entity had actual or constructive notice of the dangerous condition in sufficient time prior to the injury to have taken measures to protect against the dangerous condition. In any action under this subdivision wherein a plaintiff alleges that he was damaged by the negligent, defective or dangerous design of a highway or road, [which was designed and constructed prior to September 12, 1977,] the public entity shall be entitled to a defense which shall be a complete bar to recovery whenever the public entity can prove by a preponderance of the evidence that the alleged negligent, defective, or dangerous design reasonably complied with highway and road design standards generally accepted at the time the road or highway was designed and constructed. **Pursuant to the prerogative of the general assembly to declare the public policy of the state in matters concerning liability in tort for public entities, the general assembly declares that the above plain language does not include a requirement that property must have a physical defect as a necessary element for the property to be in a dangerous condition. The plain language clearly**

intends that government should be responsible for injuries to persons for negligently maintaining a dangerous condition in the same way as citizens are held to such standard of care. The legislature clearly did not intend that governmental agencies which create dangerous conditions or have notice of dangerous conditions may continue to maintain those dangerous conditions which cause serious injury with impunity.

2. The express waiver of sovereign immunity in the instances specified in subdivisions (1) and (2) of subsection 1 of this section are absolute waivers of sovereign immunity in all cases within such situations whether or not the public entity was functioning in a governmental or proprietary capacity and whether or not the public entity is covered by a liability insurance for tort.

3. The term "public entity" as used in this section shall include any multi-state compact agency created by a compact formed between this state and any other state which has been approved by the Congress of the United States. Sovereign immunity, if any, is waived for the proprietary functions of such multi-state compact agencies as of the date that the Congress of the United States approved any such multi-state compact.

4. Pursuant to the prerogative of the general assembly to declare the public policy of the state in matters concerning liability in tort for public entities, the general assembly declares that prior to September 12, 1977, there was no sovereign or governmental immunity for the proprietary functions of multistate compact agencies operating pursuant to the provisions of sections 70.370 to 70.440, RSMo, and 238.030 to 238.110, RSMo, including functions such as the operation of motor vehicles and the maintenance of property, involved in the operation of a public transit or public transportation system, and that policy is hereby reaffirmed and declared to remain in effect.

5. Any court decision dated subsequent to August 13, 1978, holding to the contrary of

subsection 4 of this section erroneously interprets the law and the public policy of this state, and any claimant alleging tort liability under such circumstances for an occurrence within five years prior to February 17, 1988, shall in addition to the time allowed by the applicable statutes of limitation or limitation of appeal, have up to one year after July 14, 1989, to file or refile an action against such public entity and may recover damages imposed by the common law of this state as for any other person alleged to have caused similar damages under similar circumstances.”; and

Further amend the title and enacting clause accordingly.

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

Senator Gross moved that ~~SS~~ for ~~SCS~~ for **SB 840**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, ~~SS~~ for ~~SCS~~ for **SB 840**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Bentley, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 1212**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Singleton, Chairman of the Committee on Public Health and Welfare, submitted the following reports:

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 680**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Public Health and Welfare, to which was referred **SB 1207**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1220**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1247**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Klindt, Chairman of the Committee on Interstate Cooperation, submitted the following report:

Mr. President: Your Committee on Interstate Cooperation, to which was referred **SB 739**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred ~~SS~~ for ~~SS~~ for ~~SCS~~ for **SBs 970, 968, 921, 867, 868 and 738**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

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

Mr. President: Your Committee on Transportation, to which was referred **SB 957**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 1202**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 1093**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Westfall, Chairman of the Committee on Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on Civil and Criminal Jurisprudence, to which was referred **SB 1213**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Gross, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which were referred **SB 1112** and **SB 854**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

MESSAGES FROM THE GOVERNOR

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

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 13, 2002

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

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

Garland G. Barton, Route 3 Box 3973, Alton, Oregon County, Missouri 65606, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2003, and until his successor is duly appointed and qualified; vice, Milton Bischof, Jr., resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 13, 2002

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

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

Anthony R. Myers, 623 West Columbia, Farmington, St. Francois County, Missouri 63640, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2004, and until his successor is duly appointed and qualified; vice, Verneda Robinson, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 13, 2002

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

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

Randa Rawlins, Democrat, 215 West Concord Avenue, Kansas City, Jackson County, Missouri 64112, as a member of the Board of Governors for Truman State University, for a term ending January 1, 2008, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 13, 2002

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

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

Booker T. Rice, 7453 San Diego, Normandy, St. Louis County, Missouri 63121, as a member of the Bi-State Development Agency, for a term ending November 10, 2005, and until his successor is duly appointed and qualified; vice, Norman Tice, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 13, 2002

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

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

Consuelo D. Washington, 4445 Floriss Place, St. Louis City, Missouri 63115, as a member of the Tourism Commission, for a term ending January 15, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 13, 2002

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

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

John R. Wilson, Republican, 5712 Woodhaven Lane, Parkville, Platte County, Missouri 64152, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 13, 2002

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

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

Brenda J. Wrench, 6962 Mardel, St. Louis City, Missouri 63109, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2005, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

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

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1817**, entitled:

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to accountability for priority and performance schools.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HB 1877**, entitled:

An Act to repeal sections 143.225, 143.261, 143.431, 143.451, 143.811, 144.190, 313.820, and 313.822, RSMo, and to enact in lieu thereof eleven new sections for the sole purpose of establishing and funding the schools of the future fund, with an emergency clause.

Emergency clause defeated.

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 adopted and third read **HCR 20**.

HOUSE CONCURRENT RESOLUTION NO. 20

WHEREAS, an area in eastern mid-Missouri has historically and informally been known as the "Arcadia Valley":

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate concurring therein, that the area in the State west of Highway 67, east of Highway 49, south of Highway 32, and north of Highway 72 shall be formally designated as the "Arcadia Valley".

In which the concurrence of the Senate is respectfully requested.

RESOLUTIONS

Senator Loudon offered Senate Resolution No. 1221, regarding Amy Cadwallader, Maryland Heights, which was adopted.

Senator Caskey offered Senate Resolution No. 1222, regarding Margret Fay Berry, Butler, which was adopted.

Senator Sims offered Senate Resolution No. 1223, regarding Women's History Month, which was adopted.

Senator Sims offered Senate Resolution No. 1224, regarding Roger Green, St. Louis, which was adopted.

Senator Klarich offered Senate Resolution No. 1225, regarding the One Hundred Fiftieth Anniversary of the Washington Fire Department, Washington, which was adopted.

Senator Quick offered Senate Resolution No. 1226, regarding Mary A. Manley, Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Gibbons introduced to the Senate, Meredith Albers, her mother, Michelle Albers, Charlie Spencer and Jan Schuster, Kirkwood.

Senator Klindt introduced to the Senate, Walter West, Jasen Uty and Larry Parsens, St. Joseph.

Senator Gross introduced to the Senate, Dr. Aubra Houchin, D.O., his wife, Patty, and their children Andy and Jenny, St. Charles; and Andy and Jenny were made honorary pages.

Senator House introduced to the Senate, 200 students, parents and teachers representing charter public schools.

Senator Bentley introduced to the Senate, Ken Knauer, Kieta Thomas and Tonya Bailey, Springfield.

Senator Stoll introduced to the Senate, Tammy Fluegge, Tim Murphy, Barb Krisher and 80 fourth

grade students, teachers and parents from George Guffy Elementary School, Fenton.

Senator Steelman introduced to the Senate, Kaye Melgen, Gail Jeffries and 8 fourth grade students from Kingdom Christian Academy, Fulton.

Senator Bentley introduced to the Senate, R. Troy Barton, D.O., Rogersville.

Senator Westfall introduced to the Senate, tenth grade students from Republic High School, Republic; and Liz Polk, Katherine Springston, Jesse Quessenberry and Corinne Smith were made honorary pages.

Senator Klarich introduced to the Senate, Lyndell Colemann and 25 juniors and seniors from Potosi High School, Potosi.

Senator Sims introduced to the Senate, Victoria York and 34 seniors from St. Joseph's Academy, Frontenac.

Senator Sims introduced to the Senate, 14 third, fourth, fifth and sixth grade students from C. Holman Elementary School, St. Louis County.

Senator Goode introduced to the Senate, Debbie Allstun and students from Berkeley Middle School, St. Louis County; and Ronetta Harris, Shenetta Gardner, Desmond Jones, Marnae Campbell, Danesha Martin, Stephen Love, Raysean Cathy and Marcus Spencer were made honorary pages.

Senator Kenney introduced to the Senate, Teresa Turner and fourth grade students from Good Shepherd Academy, Lee's Summit; and Elizabeth Alley, Seth Alley, Marcy Dean, Drew Edlund, Jennifer Guthrie, Marshall Guthrie, Joy Jarrett, Jared Marsh, Luke Marsh, Luke Pygmon, Austin Roberts and Sarah Whitaker were made honorary pages.

Senator Yeckel introduced to the Senate, Pricilla Reed and 50 students from Mehlville High School, St. Louis County.

On behalf of Senators Singleton, Steelman,

Westfall and himself, Senator Cauthorn introduced to the Senate, Bill Sonwalt, Mexico; Mark Harmon, Joplin; Curtis Rouse, Houston; Lance Hasten, Salem; and Glen Cope and David Cope, Aurora.

Senator Kennedy introduced to the Senate, members of the St. Louis Police Officers Association - Fraternal Order of Police.

Senator Jacob introduced to the Senate, Annie Johnson and Hayley John, Moberly; and Annie and Hayley were made honorary pages.

Senator Stoll introduced to the Senate, Don and Denise Nelson, Nevada.

Senator Caskey introduced to the Senate, Larry and Jean Shannon, Cleveland.

Senator Westfall introduced to the Senate, Dillon, Drew, Rita, Mark and Angela Legan, Bolivar; and Dillon and Drew were made honorary pages.

Senator Kennedy introduced to the Senate, Carol Wilson and Sue Remspecher, Town and Country.

Senator Staples introduced to the Senate, Bill Wyrick and Glenn Pound, Jefferson City.

Senator Foster introduced to the Senate, Don Bell, and members of the Ozark Foothills Regional Planning Commission, Poplar Bluff.

Senator Kenney introduced to the Senate, Laurel and Andrew Morton, Kristin, Alyssa and Myrna Vaughan, and Zechariah and Lori Melton, Home Schoolers from Lee's Summit; and Andrew, Kristin, Alyssa and Zechariah were made honorary pages.

Senator Kenney introduced to the Senate, Stephanie Tellis and Stephanie Hill, Kansas City.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Erik Lindbloom, M.D., Columbia.

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

SENATE CALENDAR

THIRTY-NINTH DAY—THURSDAY, MARCH 14, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SRB 1236-Rohrbach

SB 1249-Mathewson

SB 1248-Mathewson and Kenney

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1498-Johnson (90th)

HS for HB 1399-Ransdall

HB 1432-Foley

HCS for HB 1154

HB 1477-Farnen

HB 1519-Boucher

HB 1668-Holt, et al

HB 1192-Harding and Boucher

HB 1446-Luetkenhaus

HB 1151-Smith

HB 1078-Whorton, et al

HCS for HBs 1134, 1100 & 1559

HB 1468-Ward

HCS for HB 1451

HB 1086-Harlan

HCS for HB 1425

HB 1406-Barnett

HB 1634-Hoppe

HB 1402-Burton, et al

HB 1342-Farnen

HB 1672-Gambaro, et al

HB 1381-Luetkenhaus

HB 1581-Clayton

HB 1492-Seigfreid

HB 1418-Relford, et al

HB 1421-McKenna, et al

HCS for HB 1765

HB 1375-Luetkenhaus

HS for HCS for HB 1906-

HB 1495-Seigfreid

Green (73rd)

HB 1348-Meyers, et al

HCS for HB 1115

HCS for HBs 1150, 1237 & 1327

HCS for HB 1817

HCS for HB 1711

HS for HCS for HB 1877-

HCS for HB 1398

Foley

THIRD READING OF SENATE BILLS

SS for SS for SCS for

SBs 970, 968, 921, 867,

868 & 738-Westfall

SENATE BILLS FOR PERFECTION

1. SB 740-Wiggins
2. SB 687-Gibbons and Yeckel
3. SB 959-Kenney and Kinder, with SCS
4. SBs 817, 978 & 700-Gross, with SCS
5. SBs 837, 866, 972 & 990-Cauthorn, with SCS
6. SBs 688, 663, 691, 716, 759, 824 & 955-Gibbons, et al, with SCS
7. SBs 894, 975 & 927-Kinder, with SCS
8. SBs 670 & 684-Sims, with SCS
9. SB 1005-Loudon
10. SBs 741, 929 & 871-Wiggins, with SCS
11. SBs 1061 & 1062-Rohrbach and Kenney, with SCS
12. SBs 843 & 658-Stoll, with SCS
13. SB 647-Goode, with SCS
14. SBs 969, 673 & 855-Westfall and Bentley, with SCS
15. SB 1059-Bentley, et al, with SCS
16. SB 1052-Sims, with SCS
17. SB 884-DePasco and Kenney, with SCS
18. SBs 984 & 985-Steelman, with SCS
19. SB 1046-Gross and House, with SCS
20. SB 1103-Westfall, et al
21. SBs 915, 710 & 907-Westfall, et al, with SCS
22. SBs 923, 828, 876, 694 & 736-Sims, with SCS
23. SB 676-Yeckel, et al, with SCS
24. SB 900-Goode, et al, with SCS
25. SB 1107-Childers, with SCS
26. SB 912-Mathewson, with SCS
27. SB 892-Kenney, with SCS
28. SB 910-Gibbons
29. SB 1104-Mathewson
30. SB 954-Loudon, with SCS
31. SB 1014-Klindt and Kinder
32. SB 1152-Klarich, with SCS
33. SBs 766, 1120 & 1121-Steelman, with SCS
34. SB 926-Kenney, et al, with SCS
35. SB 1140-Rohrbach
36. SBs 1112 & 854-Caskey and Russell, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| <p>SBs 641 & 705-Russell, et al, with SCS (pending)</p> <p>SB 651-Singleton and Russell, with SCS (pending)</p> | <p>SB 659-House and Kenney, with SS#2, SA 3 and SSA 1 for SA 3 (pending)</p> <p>SB 660-Westfall, et al, with SCS (pending)</p> |
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SBs 662 & 704-Westfall,
with SCS & SA 4 (pending)
SB 668-Bentley, with SS &
SA 1 (pending)
SB 881-Steelman and
Yeckel, with SCS & SS
for SCS (pending)

SBs 958 & 657-Kinder,
with SCS
SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

Reported 2/26

SB 795-Schneider, with
SCA 1

Reported 3/4

SB 794-Bland
SB 821-Dougherty and
Gross, with SCS
SB 1012-Caskey, with SCA 1

SB 1102-Westfall
SB 980-Singleton and
Schneider, with SCS

Reported 3/5

SB 810-Dougherty, with SCS
SB 1028-Russell
SB 1143-Jacob

SB 1007-Stoll, with SCS
SB 1210-Johnson, with SCS
SB 1186-Kenney

Reported 3/11

SB 874-Bentley, with SCS
SB 947-Klindt and Stoll, with SCS
SB 1199-Foster

SB 1070-Gibbons, with SCS
SB 1039-DePasco

Reported 3/12

SB 631-Schneider, with SCS
 SB 1260-Loudon
 SB 1163-Steelman, with SCS

SB 1243-Johnson
 SB 1119-Johnson
 SB 1124-Dougherty

Reported 3/13

SB 1130-House, with SCS
 SB 1137-Bentley, with SCS
 SB 1227-Rohrbach, with SCS
 SB 1244-Bland, et al
 SB 1259-Loudon, with SCS
 SB 1258-Loudon, with SCS
 SB 732-Bland, with SCS
 SB 1217-Coleman
 SB 1212-Mathewson, with SCS

SB 680-Bland, with SCS
 SB 1207-Bentley, with SCS
 SB 1220-Sims
 SB 1247-Quick
 SB 739-Wiggins, with SCS
 SB 957-Loudon, et al, with SCS
 SB 1202-Westfall, with SCS
 SB 1093-Loudon, with SCS
 SB 1213-Mathewson

RESOLUTIONS

SR 1026-Jacob, with SA 1
 (pending)

SR 1028-Schneider

To be Referred

HCS for HCR 11
 HCR 21-Boucher and Kreider

HCR 20-Crump

Reported from Committee

SR 1054-Singleton
 SCR 51-Mathewson and
 Yeckel, with SCA 1

SCR 41-Rohrbach