

Journal of the Senate

SECOND REGULAR SESSION

FORTY-SECOND DAY—WEDNESDAY, MARCH 20, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

“As I am changed by what I discover in prayer, of the love of God, so my ability to live and proclaim the nature of the Kingdom is changed.” (Charles Elliott)

Almighty God, as we work through complex bills and think through their implications we recognize our need of prayer and in so doing are opened to Your love and we pray that will continue to affect our decisions and guide our actions. 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.

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	Stelman	Stoll	Westfall
Wiggins	Yeckel—34		

Absent with leave—Senators—None

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 1278, regarding Neil Evans, Holts Summit, which was adopted.

CONCURRENT RESOLUTIONS

Senator Steelman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 57

WHEREAS, sustained investment in electric, natural gas, water sewer and heating utility infrastructure is vital to the economic vitality and well-being of the State of Missouri; and

WHEREAS, Missouri electric, natural gas, water sewer and heating utility companies compete with utility companies in other states for the capital necessary to sustain investment in utility infrastructure in Missouri; and

WHEREAS, Missouri electric, natural gas, water sewer and heating utility companies must achieve reasonable rates of return as compared to the rates of return achieved by utility companies in other states to ensure sustained investment in utility infrastructure in Missouri; and

WHEREAS, the utility regulatory process in Missouri, as it

applies to electric, natural gas, water sewer and heating corporations, is governed primarily by Chapter 393, RSMo, which is largely unchanged since original enactment in 1913; and

WHEREAS, the potential for the deregulation of utilities in Missouri has received substantial legislative study in recent years, while the ongoing utility regulatory process and procedure has not enjoyed broad legislative evaluation; and

WHEREAS, the utility regulatory process must be periodically evaluated so as to promote the interests of fairness and balance among all constituencies, including consumers and shareholders of regulated utility companies, by addressing policy and practice advances in areas including, but not limited to, non-traditional regulatory rate plans, performance-based regulatory rate plans, incentive regulatory rate plans, capital recovery schedules, consistency of utility regulatory policy with generally accepted accounting principles, consistency of utility regulatory policy with financial accounting standards, consistency of utility regulatory policy with generally accepted engineering principles, communication between and among participants in the regulatory process, time schedules for the initiation and conclusion of proceedings before utility regulatory agencies, the role, function and needs of the Public Service Commission, the role, function and needs of the Office of Public Counsel and the overall structure and cost of governmental utility regulatory agencies and the utility regulatory process:

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 establish the Joint Legislative Committee on Utility Regulation and Infrastructure Investment; and

BE IT FURTHER RESOLVED that said Committee be composed of five members of the Senate, to be appointed by the President Pro Tem and five members of the House of Representatives to be appointed by the Speaker of the House; and

BE IT FURTHER RESOLVED that said Committee conduct in-depth studies and make appropriate recommendations concerning: how the utility regulatory process and the results thereof in Missouri in regard to electric, natural gas, water sewer and heating utility companies compare to the utility regulatory process and the results thereof in other states; and how the utility regulatory process in Missouri in regard to electric, natural gas, water sewer and heating utility companies can, or should, be modernized to be more efficient and effective, ensure sustained investment in utility infrastructure and promote the interests of fairness and balance among all constituencies, including consumers and shareholders of regulated utility companies; and

BE IT FURTHER RESOLVED that said Committee present a final report, together with its recommendations for any legislative

action it deems necessary for submission to the General Assembly prior to the commencement of the First Regular Session of the Ninety-second General Assembly; and

BE IT FURTHER RESOLVED that said Committee may solicit any input and information necessary to fulfill its obligations from the Missouri Public Service Commission, the Department of Economic Development, the Office of Public Counsel, political subdivisions of this state, energy utilities, water utilities, heating corporations and representatives of energy and water customer groups; and

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

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

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 **SCS for SBs 721, 757, 818 and 930**; and **SS for SS for SCS for SBs 970, 968, 921, 867, 868 and 738**, begs leave to report that it has considered the same and recommends that the bills do pass.

THIRD READING OF SENATE BILLS

Senator Stoll moved that **SB 1007**, with **SCS**, be called from the Consent Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for SB 1007 was again taken up.

Senator Stoll moved that **SCS for SB 1007** be adopted, which motion prevailed.

On motion of Senator Stoll, **SCS for SB 1007** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland	Coleman—2
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Absent with leave—Senator House—1

The President declared the bill passed.

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

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

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

SB 1186, introduced by Senator Kenney, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to required set-asides of private land by political subdivisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Kenney, **SB 1186** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland	Coleman—2
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Absent with leave—Senator House—1

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

SB 874, with **SCS**, introduced by Senator Bentley, entitled:

An Act to repeal section 162.700, RSMo, relating to special education, 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 874**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 874

An Act to repeal section 162.700, RSMo, relating to special education, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Bentley moved that **SCS** for **SB 874** be adopted, which motion prevailed.

On motion of Senator Bentley, **SCS** for **SB 874** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Kennedy	Kenney	Kinder	Klarich

Klindt	Loudon	Mathewson	Rohrbach
Russell	Schneider	Sims	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Coleman	Johnson	Quick	Singleton—4
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Absent with leave—Senator House—1

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

SS for SS for SCS for SBs 970, 968, 921, 867, 868 and 738, introduced by Senator Westfall, entitled:

SENATE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 970, 968, 921, 867, 868
and 738

An Act to repeal sections 136.055, 142.803, 144.805, 155.080, 226.540, 226.550, 226.573, 226.580, 226.585, 227.100, 302.720, 304.001, 304.190 and 305.230, RSMo, relating to transportation, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions and an emergency clause for certain sections.

Was taken up.

On motion of Senator Westfall, **SS for SS for SCS for SBs 970, 968, 921, 867, 868 and 738** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Foster	Gibbons
Goode	Gross	Jacob	Johnson

Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senator Rohrbach—1

Absent—Senators

Coleman	Dougherty	Staples—3
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Absent with leave—Senator House—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senator Rohrbach—1

Absent—Senators

Coleman	Staples—2
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Absent with leave—Senator House—1

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

Senator Westfall 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 SBs 721, 757, 818 and 930, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 721, 757, 818 and 930

An Act to repeal sections 300.075, 300.080, 300.100, 300.105, 300.110, 300.125, 300.160,

300.215, 300.300, 300.348, 300.350, 300.585, 300.595, 302.130, 302.321, 304.001, 304.022, 304.027, 304.190, 304.220, 304.351, 575.010 and 575.150, RSMo, relating to the regulation of traffic offenses, and to enact in lieu thereof twenty-seven new sections relating to the same subject, with penalty provisions.

Was taken up by Senator Westfall.

On motion of Senator Westfall, **SCS** for **SBs 721, 757, 818** and **930** 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
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senator Singleton—1

Absent—Senator Staples—1

Absent with leave—Senator House—1

The President declared the bill passed.

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

Senator Westfall 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 **SB 665**, introduced by Senator Kenney, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 665

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

Was taken up.

President Pro Tem Kinder assumed the Chair.

On motion of Senator Kenney, **SS** for **SB 665** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
FosterGibbons	Goode	Gross	
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senator House—1

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

INTRODUCTION OF GUESTS

Senator Jacob introduced to the Senate, the Missouri Teacher of the Year, Jill Bergee, Columbia, who assumed the dais and addressed the Senate.

THIRD READING OF SENATE BILLS

SS for **SB 687**, introduced by Senator Gibbons, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 687

An Act to repeal sections 210.906, 211.183,

568.030, 568.045 and 568.050, RSMo, relating to abandonment of a child, and to enact in lieu thereof seven new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Klarich assumed the Chair.

On motion of Senator Gibbons, **SS** for **SB 687** 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
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Russell	Staples—2
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Absent with leave—Senator House—1

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.

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 by Senator Gross.

Senator Gross offered **SPA 1**, which was read:

SENATE PERFECTING AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 836, Page 1, In the Title, Line 4, by inserting immediately after the word “date” the following: “and an emergency clause”; and

Further amend said bill, Page 8, Section B, Line 2, by inserting after all of said line the following:

“Section C. Because of the need to continue telecommunications services this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and this act shall be in full force and effect upon its passage and approval.”.

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

On motion of Senator Gross, **SCS** for **SB 836**, as amended by **SPA 1**, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
FosterGibbons	Goode	Gross	
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Schneider
Sims	Singleton	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Russell	Staples—2
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Absent with leave—Senator House—1

The President declared the bill passed.

The emergency clause was adopted by the

following vote:

YEAS—Senators

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

Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators

Bland	Staples—2
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Absent with leave—Senator House—1

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

Senator Gross 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 959, introduced by Senator Kenney, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 959

An Act to repeal section 620.1355, RSMo, and to enact in lieu thereof one new section relating to investment funds service corporations, with an emergency clause.

Was taken up.

On motion of Senator Kenney, SS for SCS for SB 959 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
Jacob	Johnson	Kennedy	Kenney

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senator House—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senator House—1

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

SCS for SBs 741, 929 and 871, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 741, 929 and 871

An Act to repeal sections 194.210, 194.220, 194.230, 194.233, 194.240, 194.297, 194.299, 194.300, 194.302, 301.020, 302.171 and 302.181, RSMo, relating to organ donation and procurement, and to enact in lieu thereof twelve new

sections relating to the same subject, with penalty provisions and with a delayed effective date for a certain section.

Was taken up by Senator Wiggins.

On motion of Senator Wiggins, **SCS** for **SBs 741, 929 and 871** 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
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senator House—1

The President declared the bill passed.

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

Senator Wiggins 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 **SBs 1061 and 1062**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1061 and 1062

An Act to repeal sections 354.085, 354.405 and 354.603, RSMo, and to enact in lieu thereof four new sections relating to health insurance administrative simplification.

Was taken up by Senator Rohrbach.

On motion of Senator Rohrbach, **SCS** for **SBs 1061 and 1062** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senator House—1

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

SS for **SCS** for **SBs 843 and 658**, introduced by Senator Stoll, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 843 and 658

An Act to repeal sections 441.060, 700.100, 700.350, 700.355, 700.360, 700.365, 700.370, 700.385, 700.455, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537 and 700.539, RSMo, relating to manufactured housing, and to enact in lieu thereof fourteen new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Stoll, **SS** for **SCS** for **SBs 843 and 658** 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
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—Senators—None

Absent with leave—Senator House—1

The President declared the bill passed.

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

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

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

REPORTS OF STANDING COMMITTEES

Senator Russell, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 1115**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

THIRD READING OF SENATE BILLS

SB 947, with **SCS**, introduced by Senators Klindt and Stoll, entitled:

An Act to repeal sections 360.106, 360.111, 360.112, 360.113, 360.114, 360.116, and 360.118, RSMo, and to enact in lieu thereof seven new sections relating to the Missouri health and educational facilities act.

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

SCS for **SB 947**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 947

An Act to repeal sections 360.106, 360.111, and 360.112, RSMo, and to enact in lieu thereof three new sections relating to the Missouri health and educational facilities act.

Was taken up.

Senator Klindt moved that **SCS** for **SB 947** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 947** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Coleman Staples—2

Absent with leave—Senator House—1

The President declared the bill passed.

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

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

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

SB 1199, introduced by Senator Foster, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the

Sergeant Randy Sullivan Memorial Highway.

Was called from the Consent Calendar and taken up.

On motion of Senator Foster, **SB 1199** 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
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Jacob	Singleton	Staples—3
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Absent with leave—Senator House—1

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 1070, with **SCS**, introduced by Senator Gibbons, entitled:

An Act to repeal sections 43.540 and 589.410, RSMo, relating to protection of children, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 1070**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1070

An Act to repeal sections 43.540 and 589.410, RSMo, relating to protection of children, and to

enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 1070** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 1070** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Coleman	Singleton	Staples—3
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Absent with leave—Senator House—1

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.

SB 1039, introduced by Senator DePasco, entitled:

An Act to repeal section 99.134, RSMo, relating to municipal housing authority commissioners, 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 DePasco, **SB 1039** 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
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Singleton Staples—2

Absent with leave—Senator House—1

The President declared the bill passed.

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

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

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

SB 1163, with **SCS**, introduced by Senator Steelman, entitled:

An Act to repeal section 643.220, RSMo, relating to the air emissions banking and trading program, 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 1163**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1163

An Act to repeal section 643.220, RSMo, relating to the air emissions banking and trading program, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Steelman moved that **SCS** for **SB 1163** be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **SB 1163** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
FosterGibbons	Goode	Gross	
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Singleton Staples—2

Absent with leave—Senator House—1

The President declared the bill passed.

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

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

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

SB 1243, introduced by Senator Johnson, entitled:

An Act to repeal sections 419.010, 419.020, 419.030 and 419.040, RSMo, relating to lodging establishments, and to enact in lieu thereof four new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Johnson, **SB 1243** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty

Foster	Gibbons	Gross	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Schneider
Sims	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senator Goode—1

Absent—Senators

Singleton Staples—2

Absent with leave—Senator House—1

The President declared the bill passed.

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

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

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

SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

SB 1248—Rules, Joint Rules, Resolutions and Ethics.

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 1159**, entitled:

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

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1214**, entitled:

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

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 1624**, entitled:

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

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1204**, entitled:

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

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1093**, entitled:

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

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1714**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to a St. Louis College of Pharmacy special license plate.

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 1205**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to a civil air patrol license plate.

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 1411**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to a Hearing Impaired Kids Endowment Fund, Inc., license plate.

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 1094**, entitled:

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

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1397**, entitled:

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

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1391**, entitled:

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

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1272**, entitled:

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

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1918**, entitled:

An Act to repeal section 304.235, RSMo, and to enact in lieu thereof one new section relating to avoidance of weigh stations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

MESSAGES FROM THE GOVERNOR

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

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 20, 2002

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

The following addendum should be made to the appointment of Brenda D. Newberry for the Missouri Minority Business Advocacy Commission, submitted to you on March 18, 2002. Line 4 should be amended to read:

qualified; vice, Michelle Lathan, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

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

REPORTS OF STANDING COMMITTEES

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 **SCS** for **SBs 817, 978 and 700**, 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.

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 Gross.

THIRD READING OF SENATE BILLS

SB 1124, introduced by Senator Dougherty, entitled:

An Act to authorize the governor to convey certain property in the city of St. Louis.

Was called from the Consent Calendar and taken up.

On motion of Senator Dougherty, **SB 1124** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Röhrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Bland	Coleman	Jacob	Stoll—4
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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.

SB 1137, with **SCS**, introduced by Senator

Bentley, entitled:

An Act to repeal sections 193.015, 193.045, 193.065, 193.085, 193.087, 193.115, 193.125, 193.145, 193.225, 193.245, 193.265, 473.697 and 490.620, RSMo, relating to electronic creation and access to birth and death records, and to enact in lieu thereof thirteen new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for SB 1137, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1137

An Act to repeal sections 193.045, 193.065, 193.085, 193.087, 193.115, 193.125, 193.145, 193.225, 193.245, 193.265, 473.697 and 490.620, RSMo, relating to electronic creation and access to birth and death records, and to enact in lieu thereof twelve new sections relating to the same subject.

Was taken up.

Senator Bentley moved that SCS for SB 1137 be adopted, which motion prevailed.

On motion of Senator Bentley, SCS for SB 1137 was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators

Gross	Loudon—2
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Absent—Senators

Coleman	Quick	Russell	Singleton
Staples—5			

Absent with leave—Senators—None

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

SB 1227, with SCS, introduced by Senator Rohrbach, entitled:

An Act to repeal section 375.330, RSMo, and to enact in lieu thereof one new section relating to investments by insurance companies.

Was called from the Consent Calendar and taken up.

SCS for SB 1227, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1227

An Act to repeal section 375.330, RSMo, and to enact in lieu thereof one new section relating to investments by insurance companies.

Was taken up.

Senator Rohrbach moved that SCS for SB 1227 be adopted, which motion prevailed.

On motion of Senator Rohrbach, SCS for SB 1227 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
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Kenney Quick Schneider Singleton
Staples—5

Absent with leave—Senators—None

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

SB 1244, introduced by Senator Bland, et al, entitled:

An Act to repeal section 191.925, RSMo, relating to the newborn hearing screening program, 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 Bland.

On motion of Senator Bland, **SB 1244** 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	Rohrbach	Russell
Schneider	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators

Quick Staples—2

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 1259, with **SCS**, introduced by Senator Loudon, entitled:

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to a food recovery program.

Was called from the Consent Calendar and taken up.

SCS for **SB 1259**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1259

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to a food recovery program.

Was taken up.

Senator Loudon moved that **SCS** for **SB 1259** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **SB 1259** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Singleton Staples—2

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 1258, with **SCS**, introduced by Senator Loudon, entitled:

An Act to repeal section 28.160, RSMo, relating to fees charged by the state, 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 1258**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1258

An Act to repeal section 28.160, RSMo, relating to fees charged by the state, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Loudon moved that **SCS** for **SB 1258** be adopted, which motion prevailed.

Senator Klarich assumed the Chair.

On motion of Senator Loudon, **SCS** for **SB 1258** 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	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 732, with **SCS**, introduced by Senator Bland, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to welfare reform.

Was called from the Consent Calendar and taken up.

SCS for **SB 732**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 732

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to welfare reform, with an expiration date.

Was taken up.

Senator Bland moved that **SCS** for **SB 732** be adopted, which motion prevailed.

On motion of Senator Bland, **SCS** for **SB 732** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Russell Staples—2

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 1217, introduced by Senator Coleman, entitled:

An Act to repeal section 137.495, RSMo, and to enact in lieu thereof one new section relating to tangible personal property listings.

Was called from the Consent Calendar and taken up.

On motion of Senator Coleman, **SB 1217** 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	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 1212, with **SCS**, introduced by Senator Mathewson, entitled:

An Act to repeal section 41.948, RSMo, relating to students of higher education called to active military service, 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 1212**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1212

An Act to repeal section 41.948, RSMo, relating to students of higher education called to active military service, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 1212** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **SB 1212** 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	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 680, with **SCS**, introduced by Senator Bland, entitled:

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to obesity.

Was called from the Consent Calendar and taken up.

SCS for **SB 680**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 680

An Act to amend chapter 192, RSMo, by adding thereto one new section relating to obesity.

Was taken up.

Senator Bland moved that **SCS** for **SB 680** be adopted, which motion prevailed.

On motion of Senator Bland, **SCS** for **SB 680** 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	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senator Rohrbach—1

Absent—Senators—None

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 1207, with **SCS**, introduced by Senator Bentley, entitled:

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to licensing requirements.

Was called from the Consent Calendar and taken up.

SCS for **SB 1207**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1207

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to continuing medical education on autism.

Was taken up.

Senator Bentley moved that **SCS** for **SB 1207** be adopted, which motion prevailed.

On motion of Senator Bentley, **SCS** for **SB 1207** 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	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

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

SB 1220, introduced by Senator Sims, entitled:

An Act to repeal sections 313.057, 313.230 and 313.810, RSMo, relating to licensing requirements, and to enact in lieu thereof three new sections relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Sims, **SB 1220** 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	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

Senator Kenney moved that motion lay on the

table, which motion prevailed.

SB 1247, introduced by Senator Quick, entitled:

An Act to amend chapter 87, RSMo, by adding thereto one new section relating to the division of certain pension benefits.

Was called from the Consent Calendar and taken up.

On motion of Senator Quick, **SB 1247** 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	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 957, with **SCS**, introduced by Senator Loudon, et al, 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 by Senator Loudon.

SCS for SB 957, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 957

An Act to repeal section 301.131, RSMo, relating to license plates, and to enact in lieu thereof two new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Loudon moved that SCS for SB 957 be adopted, which motion prevailed.

On motion of Senator Loudon, SCS for SB 957 was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Coleman	Kinder	Quick	Staples—4
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Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 1202, with SCS, introduced by Senator Westfall, entitled:

An Act to transfer sections 142.617, 142.830, 260.278, 260.385, 301.041, 301.265, 301.266,

301.267, 301.271, 301.275, 301.277, 304.200,
324.703, 324.706, 324.709, 324.712, 324.715,
324.718, 324.721, 324.724, 324.727, 324.730,
324.733, 324.736, 324.739, 324.742, 324.745,
387.010, 387.030, 387.040, 387.050, 387.060,
387.070, 387.080, 387.100, 387.110, 387.120,
387.130, 387.150, 387.180, 387.190, 387.200,
387.205, 387.207, 387.210, 387.300, 387.310,
387.320, 390.011, 390.020, 390.030, 390.041,
390.045, 390.051, 390.061, 390.062, 390.063,
390.066, 390.071, 390.081, 390.101, 390.111,
390.116, 390.121, 390.126, 390.128, 390.136,
390.138, 390.141, 390.150, 390.151, 390.156,
390.171, 390.201, 390.260, 390.270, 390.280,
390.290, 390.300, 390.310, 390.320, 390.330,
622.015, 622.027, 622.030, 622.035, 622.090,
622.095, 622.100, 622.110, 622.115, 622.120,
622.130, 622.140, 622.150, 622.160, 622.170,
622.190, 622.200, 622.210, 622.220, 622.230,
622.240, 622.250, 622.260, 622.290, 622.300,
622.310, 622.320, 622.330, 622.340, 622.350,
622.360, 622.370, 622.380, 622.390, 622.400,
622.410, 622.420, 622.450, 622.460, 622.470,
622.480, 622.490, 622.500, 622.520, 622.530,
622.540, 622.615 and 622.617, RSMo, and to
repeal sections 32.028, 144.030, 260.203, 260.270,
260.370, 260.375, 260.380, 260.390, 260.395,
260.420, 260.425, 260.430, 301.030, 301.057,
301.058, 301.059, 301.067, 301.090, 301.121,
301.130, 301.273, 301.279, 301.442, 302.756,
303.026, 303.350, 304.030, 304.170, 304.180,
304.230, 304.235, 304.240, 307.350, 311.390,
311.400, 311.420, 311.440, 311.450, 324.700,
386.020, 387.020, 387.240, 387.270, 387.280,
387.290, 387.340, 389.005, 389.300, 389.310,
389.610, 389.612, 389.614, 389.615, 389.780,
389.795, 389.810, 389.890, 389.895, 389.900,
389.920, 389.945, 389.991, 389.992, 389.993,
389.997, 389.998, 389.1005, 389.1010, 390.106,
390.146, 390.161, 390.176, 390.250, 390.340,
390.350, 391.070, 447.080, 621.015, 622.020,
622.040, 622.045, 622.050, 622.055, 622.057,
622.430, 622.440, 622.510, 622.550, 622.600,
622.602, 622.604, 622.606, 622.608, 622.610,

622.612, 622.618 and 622.620, RSMo, section 622.010 as enacted in house committee substitute for senate bill no. 780, eighty-eighth general assembly, second regular session and section 622.010 as enacted in house committee substitute for house bill no. 991, eighty-eighth general assembly, second regular session, and to enact in lieu thereof two hundred thirty-seven new sections relating to compliance with the directives of executive order number 02-03, signed by the governor February 7, 2002, with penalty provisions and an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for SB 1202, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1202

An Act to repeal sections 389.005, 389.610 and 621.015, RSMo, and to enact in lieu thereof six new sections relating to the directives of executive order number 02-03, signed by the governor February 7, 2002, with an emergency clause.

Was taken up.

Senator Rohrbach assumed the Chair.

Senator Westfall moved that SCS for SB 1202 be adopted, which motion prevailed.

On motion of Senator Westfall, SCS for SB 1202 was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators

Caskey	Singleton—2
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Absent—Senators

Bentley	Coleman	Staples	Stoll—4
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Absent with leave—Senators—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators

Caskey	Singleton—2
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Absent—Senators

Bentley	Coleman	Klarich	Staples—4
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Absent with leave—Senators—None

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

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

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

SB 1093, with SCS, introduced by Senator Loudon, entitled:

An Act to repeal section 301.131, RSMo, relating to historic motor vehicles, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for SB 1093, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1093

An Act to repeal section 301.131, RSMo, relating to historic motor vehicles, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

Was taken up.

Senator Loudon moved that **SCS** for **SB 1093** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **SB 1093** 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	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators			
Bland	Coleman	Kinder	Klarich
Staples—5			

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 1213, introduced by Senator Mathewson, entitled:

An Act to repeal sections 388.610 and 388.640, RSMo, relating to railroad corporations, and to enact in lieu thereof two new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Mathewson, **SB 1213** 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
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Steelman	Stoll	Westfall	Wiggins
Yeckel—29			

NAYS—Senators—None

Absent—Senators			
Bland	Coleman	Klarich	Singleton
Staples—5			

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

Senator Cauthorn moved that **SB 837**, **SB 866**, **SB 972** and **SB 990**, with **SCS**, **SS** for **SCS**, **SA 2**, **SSA 1** for **SA 2** and **SA 1** to **SSA 1** for **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to **SSA 1** for **SA 2** was again taken up.

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

SSA 1 for **SA 2** was again taken up.

At the request of Senator Singleton, the above substitute amendment was withdrawn.

SA 2 was again taken up.

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

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

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 837, 866, 972 and 990, Page 12, Section 414.032, Line 1, by inserting an opening bracket before “414.032”; and further amend said page, line 23, by inserting a closing bracket after the word “reprimand.” and deleting all bold-faced language therein; and further amend the title and enacting clause accordingly.

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

Senator Klindt offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 837, 866, 972 and 990, Pages 4-7, Section 348.430, by striking all of said section; and

Further amend said bill, Pages 7-11, Section 348.432, by striking all of said section and inserting in lieu thereof the following:

“348.430. 1. The tax credit created in this section shall be known as the “Agricultural Product Utilization Contributor Tax Credit”.

2. As used in this section, the following terms mean:

(1) “Authority”, the agriculture and small business development authority as provided in this chapter;

(2) [“Contributor”, an individual, partnership, corporation, trust, limited liability company, entity or person that contributes cash funds to the authority;

(3)] “Development facility”, a facility producing either a good derived from an agricultural commodity or using a process to produce a good derived from an agricultural product;

[(4)] (3) “Eligible new generation cooperative”, a nonprofit cooperative association formed pursuant to chapter 274, RSMo, or incorporated pursuant to chapter 357, RSMo, for the purpose of operating a development facility or a renewable fuel production facility;

(4) “**Eligible new generation processing entity**”, a **partnership, corporation, cooperative, or limited liability company organized or incorporated pursuant to the laws of this state consisting of not less than twelve members, approved by the authority, for the purpose of owning or operating within this state a development facility or a renewable fuel production facility in which producer members:**

(a) **Hold a majority of the governance or voting rights of the entity and any governing committee;**

(b) **Control the hiring and firing of management; and**

(c) **Deliver agricultural commodities or products to the entity for processing, unless processing is required by multiple entities;**

(5) “**Nonproducer member**”, a **person, partnership, corporation, trust or limited liability company that invests cash funds to an eligible new generation cooperative or eligible new generation processing entity;**

(6) “**Producer member**”, a **person, partnership, corporation, trust or limited liability company whose main purpose is agricultural production that invests cash funds to an eligible new generation cooperative or eligible new generation processing entity;**

[(5)](7) “Renewable fuel production facility”, a facility producing an energy source which is

derived from a renewable, domestically grown, organic compound capable of powering machinery, including an engine or power plant, and any by-product derived from such energy source.

3. For tax year 1999, a [contributor] **producer member** who contributes funds to the authority may receive a credit against the tax **or estimated quarterly tax** otherwise due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, chapter 148, RSMo, chapter 147, RSMo, in an amount of up to one hundred percent of such contribution. The awarding of such credit shall be at the approval of the authority, based on the least amount of credits necessary to provide incentive for the contributions. A [contributor] **producer member** that receives tax credits for a contribution to the authority shall receive no other consideration or compensation for such contribution, other than a federal tax deduction, if applicable, and goodwill. A [contributor] **producer member** that receives tax credits for a contribution provided in this section may not be a member, owner, investor or lender of an eligible new generation cooperative **or eligible new generation processing entity** that receives financial assistance from the authority either at the time the contribution is made or for a period of two years thereafter.

4. A [contributor] **producer member** shall submit to the authority an application for the tax credit authorized by this section on a form provided by the authority. If the [contributor] **producer member** meets all criteria prescribed by this section and the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credits issued pursuant to this section shall initially be claimed [for] **in** the taxable year in which the [contributor] **producer member** contributes funds to the authority. Any amount of credit that exceeds the tax due for a [contributor's] **producer member's** taxable year may be carried forward to any of the [contributor's] **producer member's** five subsequent taxable years. Tax credits issued pursuant to this section may be

assigned, transferred or sold. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit or the value of the credit.

5. The funds derived from contributions in this section shall be used for financial assistance or technical assistance for the purposes provided in section 348.407, to rural agricultural business concepts as approved by the authority. The authority may provide or facilitate loans, equity investments, or guaranteed loans for rural agricultural business concepts, but limited to two million dollars per project or the net state economic impact, whichever is less. Loans, equity investments or guaranteed loans may only be provided to feasible projects, and for an amount that is the least amount necessary to cause the project to occur, as determined by the authority. The authority may structure the loans, equity investments or guaranteed loans in a way that facilitates the project, but also provides for a compensatory return on investment or loan payment to the authority, based on the risk of the project.

6. In any given year, at least ten percent of the funds granted to rural agricultural business concepts shall be awarded to grant requests of twenty-five thousand dollars or less. No single rural agricultural business concept shall receive more than two hundred thousand dollars in grant awards from the authority. Agricultural businesses owned by minority members or women shall be given consideration in the allocation of funds.

348.432. 1. The tax credit created in this section shall be known as the "New Generation Cooperative Incentive Tax Credit".

2. As used in this section, the following terms mean:

(1) "Authority", the agriculture and small business development authority as provided in this

chapter;

(2) “Development facility”, a facility producing either a good derived from an agricultural commodity or using a process to produce a good derived from an agricultural product;

(3) “Eligible new generation cooperative”, a nonprofit cooperative association formed pursuant to chapter 274, RSMo, or incorporated pursuant to chapter 357, RSMo, for the purpose of operating a development facility or a renewable fuel production facility and approved by the authority;

(4) “Eligible new generation processing entity”, a partnership, corporation, cooperative, or limited liability company organized or incorporated pursuant to the laws of this state consisting of not less than twelve members, approved by the authority, for the purpose of owning or operating within this state a development facility or a renewable fuel production facility in which producer members:

(a) Hold a majority of the governance or voting rights of the entity and any governing committee;

(b) Control the hiring and firing of management; and

(c) Deliver agricultural commodities or products to the entity for processing, unless processing is required by multiple entities;

[(4)] (5) “Employee-qualified capital project”, an eligible new generation cooperative with capital costs greater than fifteen million dollars which will employ at least one hundred employees;

[(5)] (6) “Large capital project”, an eligible new generation cooperative with capital costs greater than one million dollars;

[(6) “Member”, a person, partnership, corporation, trust or limited liability company that invests cash funds to an eligible new generation cooperative;]

(7) “Nonproducer member”, a person, partnership, corporation, trust or limited liability company that invests cash funds to an eligible new generation cooperative or eligible new generation processing entity;

(8) “Producer member”, a person, partnership, corporation, trust or limited liability company whose main purpose is agricultural production that invests cash funds to an eligible new generation cooperative or eligible new generation processing entity;

[(7)] (9) “Renewable fuel production facility”, a facility producing an energy source which is derived from a renewable, domestically grown, organic compound capable of powering machinery, including an engine or power plant, and any by-product derived from such energy source;

[(8)] (10) “Small capital project”, an eligible new generation cooperative with capital costs of no more than one million dollars.

3. Beginning tax year 1999, and [subsequent tax years] **ending December 31, 2002**, any **producer** member who invests cash funds in an eligible new generation cooperative **or eligible new generation processing entity** may receive a credit against the tax **or estimated quarterly tax** otherwise due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, or chapter 148, RSMo, chapter 147, RSMo, in an amount equal to the lesser of fifty percent of such **producer** member's investment or fifteen thousand dollars.

4. For all tax years beginning on or after January 1, 2003, any producer member who invests cash funds in an eligible new generation cooperative may receive a credit against the tax or estimated quarterly tax otherwise due pursuant to chapter 143, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, chapter 147, RSMo, or chapter 148, RSMo, in an amount equal to the lesser of fifty percent of such producer member's

investment or fifteen thousand dollars. Tax credits claimed in a taxable year may be done so on a quarterly basis and applied to the estimated quarterly tax pursuant to subsection 3 of this section.

[4.] **5.** A **producer** member shall submit to the authority an application for the tax credit authorized by this section on a form provided by the authority. If the **producer** member meets all criteria prescribed by this section and is approved by the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credits issued pursuant to this section shall initially be claimed [for] **in** the taxable year in which the **producer** member contributes capital to an eligible new generation cooperative **or eligible new generation processing entity**. Any amount of credit that exceeds the tax due for a **producer** member's taxable year may be carried back to any of the **producer** member's three prior taxable years and carried forward to any of the **producer** member's five subsequent taxable years. Tax credits issued pursuant to this section may be assigned, transferred, sold or otherwise conveyed and the new owner of the tax credit shall have the same rights in the credit as the **producer** member. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit or the value of the credit.

[5.] **6.** Ten percent of the tax credits authorized pursuant to this section initially shall be offered in any fiscal year to small capital projects. If any portion of the ten percent of tax credits offered to small capital costs projects is unused in any calendar year, then the unused portion of tax credits may be offered to employee-qualified capital projects and large capital projects. If the authority receives more applications for tax credits for small capital projects than tax credits are authorized therefor, then the authority, by rule, shall determine the method of distribution of tax

credits authorized for small capital projects.

[6.] **7.** Ninety percent of the tax credits authorized pursuant to this section initially shall be offered in any fiscal year to employee-qualified capital projects and large capital projects. If any portion of the ninety percent of tax credits offered to employee-qualified capital projects and large capital costs projects is unused in any fiscal year, then the unused portion of tax credits may be offered to small capital projects. The maximum tax credit allowed per employee-qualified capital project is three million dollars and the maximum tax credit allowed per large capital project is one million five hundred thousand dollars. If the authority approves the maximum tax credit allowed for any employee-qualified capital project or any large capital project, then the authority, by rule, shall determine the method of distribution of such maximum tax credit. In addition, if the authority receives more tax credit applications for employee-qualified capital projects and large capital projects than the amount of tax credits authorized therefor, then the authority, by rule, shall determine the method of distribution of tax credits authorized for employee-qualified capital projects and large capital projects.”; and

Further amend the title and enacting clause accordingly.

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

Senator Cauthorn offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 837, 866, 972 and 990, Page 1, Section A, Line 4 of said page, by inserting after all of said line the following:

“142.028. 1. As used in this section, the following terms mean:

(1) “Fuel ethanol”, one hundred ninety-eight proof ethanol denatured in conformity with the

United States Bureau of Alcohol, Tobacco and Firearms' regulations and fermented and distilled in a facility whose principal (over fifty percent) feed stock is cereal grain or cereal grain by-products;

(2) "Fuel ethanol blends", a mixture of ninety percent gasoline and ten percent fuel ethanol in which the gasoline portion of the blend or the finished blend meets the American Society for Testing and Materials - specification number D-439;

(3) "Missouri qualified fuel ethanol producer", any producer of fuel ethanol whose principal place of business and facility for the fermentation and distillation of fuel ethanol is located within the state of Missouri and which has made formal application, posted a bond, and conformed to the requirements of this section.

2. The "Missouri Qualified Fuel Ethanol Producer Incentive Fund" is hereby created and subject to appropriations shall be used to provide economic subsidies to Missouri qualified fuel ethanol producers pursuant to this section. The director of the department of agriculture shall administer the fund pursuant to this section.

3. A Missouri qualified fuel ethanol producer shall be eligible for a monthly grant from the fund, except that a Missouri qualified fuel ethanol producer shall only be eligible for the grant for a total of sixty months **unless such producer during those sixty months failed, due to a lack of appropriations, to receive the full amount from the fund for which they were eligible, in which case such producers shall continue to be eligible for up to twenty-four additional months or until they have received the maximum amount of funding for which they were eligible during the original sixty month time period.** The amount of the grant is determined by calculating the estimated gallons of qualified fuel ethanol production to be produced from Missouri agricultural products for the succeeding calendar month, as certified by the department of agriculture, and applying such figure to the per-gallon incentive credit established in this

subsection. Each Missouri qualified fuel ethanol producer shall be eligible for a total grant in any [calendar] **fiscal** year equal to twenty cents per gallon for the first twelve and one-half million gallons of qualified fuel ethanol produced from Missouri agricultural products in the [calendar] **fiscal** year plus five cents per gallon for the next twelve and one-half million gallons of qualified fuel ethanol produced from Missouri agricultural products in the [calendar] **fiscal** year. All such qualified fuel ethanol produced by a Missouri qualified fuel ethanol producer in excess of twenty-five million gallons shall not be applied to the computation of a grant pursuant to this subsection. The department of agriculture shall pay all grants for a particular month by the fifteenth day after receipt and approval of the application described in subsection 4 of this section. If actual production of qualified fuel ethanol during a particular month either exceeds or is less than that estimated by a Missouri qualified fuel ethanol producer, the department of agriculture shall adjust the subsequent monthly grant by paying additional amount or subtracting the amount in deficiency by using the calculation described in this subsection.

4. In order for a Missouri qualified fuel ethanol producer to obtain a grant from the fund for a particular month, an application for such funds shall be received no later than fifteen days prior to the first day of the month for which the grant is sought. The application shall include:

(1) The location of the Missouri qualified fuel ethanol producer;

(2) The average number of citizens of Missouri employed by the Missouri qualified fuel ethanol producer in the preceding quarter, if applicable;

(3) The number of bushels of Missouri agricultural commodities used by the Missouri qualified fuel ethanol producer in the production of fuel ethanol in the preceding quarter;

(4) The number of gallons of qualified fuel

ethanol the producer expects to manufacture during the month for which the grant is applied;

(5) A copy of the qualified fuel ethanol producer license required pursuant to subsection 5 of this section, name and address of surety company, and amount of bond to be posted pursuant to subsection 5 of this section; and

(6) Any other information deemed necessary by the department of agriculture to adequately ensure that such grants shall be made only to Missouri qualified fuel ethanol producers.

5. The director of the department of agriculture, in consultation with the department of revenue, shall promulgate rules and regulations necessary for the administration of the provisions of this section. The director shall also establish procedures for bonding Missouri qualified fuel ethanol producers. Each Missouri qualified fuel ethanol producer who attempts to obtain moneys pursuant to this section shall be bonded in an amount not to exceed the estimated maximum monthly grant to be issued to such Missouri qualified fuel ethanol producer.

6. [No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.**”; and

Further amend the title and enacting clause accordingly.

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

Senator Cauthorn moved that **SS** for **SCS** for **SBs 837, 866, 972** and **990**, as amended, be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SS** for **SCS** for **SBs 837, 866, 972** and **990**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1592**, entitled:

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to the memorial for workers.

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 1532**, entitled:

An Act to repeal section 537.053, RSMo, and to enact in lieu thereof one new section relating to consumption of intoxicating beverage as proximate cause of injury in tort actions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

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

House has taken up and passed **HCS** for **HB 1898**, entitled:

An Act to amend chapter 338, RSMo, by adding thereto eleven new sections relating to a tax on licensed retail pharmacies in this state, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1403**, entitled:

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

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1202**, entitled:

An Act to repeal section 144.190, RSMo, and to enact in lieu thereof one new section relating to refunds of incorrectly collected sales tax to original purchasers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 20, 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:

Courtney G. Beykirch, Republican, 1043 Country Club Drive, West Plains, Howell County, Missouri 65775, as a member of the Board of Directors for the American National Fish and Wildlife Museum District, for a term ending April 28, 2003, and until her successor is duly appointed and qualified; vice, RSMo. 184.800.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 20, 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:

Melba R. Hale, 14285 Trailtop Drive, Chesterfield, St. Louis County, Missouri 63017, as a member of the Advisory Commission for Professional Physical Therapists, for a term ending October 1, 2004, and until her successor is duly appointed and qualified; vice, John R. Lowry, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 19, 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:

James D. Jackson, 316 South Institute Street, Richmond, Ray County, Missouri 64085, as a Member of the Missouri Family Trust Board of Trustees, for a term ending October 25, 2003, and until his

successor is duly appointed and qualified; vice, Thomas Downey, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 20, 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 J. McNerney, Democrat, 3637 North Main, Kansas City, Clay County, Missouri 64116, as a member of the Elevator Safety Board, for a term ending June 6, 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 20, 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:

Tobias J. T. Meeker, 4285 North Farm Road 159, Springfield, Greene County, Missouri 65803, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2005, and until his successor is duly appointed and qualified; vice, Michael Begleiter, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 20, 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:

Larry D. Neff, Democrat, 11333 Norway Road, Neosho, Newton County, Missouri 64850, as a member of the Missouri Development Finance Board, for a term ending September 14, 2002, and until his successor is duly appointed and qualified; vice, William Turner, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 19, 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:

Paula Nickelson, 1917 Lake Drive, Fulton, Callaway County, Missouri 65251, as a member of the Missouri Head Injury Advisory Council, for a term ending April 12, 2005, and until her successor is duly appointed and qualified; vice, Patricia Schlechte, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
March 20, 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:

Jeanne R. Rhoades, 12778 Mason Manor, St. Louis, St. Louis County, Missouri 63141, as a member of the Advisory Commission for Clinical Perfusionists, for a term ending February 13, 2007, 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.

RESOLUTIONS

Senator DePasco offered Senate Resolution No. 1279, regarding the death of Willie Ellen Odel Smith Martin Green, which was adopted.

Senator Coleman offered Senate Resolution No. 1280, regarding Reverend Dr. Robert C. Scott, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator House introduced to the Senate, his daughter, Catherine, St. Charles.

Senator House introduced to the Senate, Ryan and Kaylyn Masiakiewicz, St. Peters.

Senator Jacob introduced to the Senate, Commander Duane Ashton and Lieutenant Erik Griffiths, Pearl Harbor, Hawaii.

Senator Schneider introduced to the Senate, representatives of the 14th Senatorial District.

Senator Jacob introduced to the Senate, Justin Grout, Huntsville.

Senator Klindt introduced to the Senate, his wife, Sandra, his daughter-in-law, Kelly, and his grandchildren, Caleb, Gabe and Hannah Riekhoff and Aston and Landan Klindt, Bethany; and Caleb, Ashton, Gabe, Landan and Hannah were made honorary pages.

Senator Jacob introduced to the Senate, Missouri Teacher of the Year, Jill Bergee, Columbia.

Senator Caskey introduced to the Senate, Larry DesCombes and 40 eighth grade students and sponsors from Leeton School, Leeton.

Senator Kennedy introduced to the Senate, Susan Woods McGraugh and Amy Sanders, St. Louis.

Senator Quick introduced to the Senate, Mayor Benny Ward, Excelsior Springs.

Senator Yeckel introduced to the Senate, Claude and Nancy Leezy and Dick and Liz Coffmann, South St. Louis County.

Senator Caskey introduced to the Senate, Mr. and Mrs. Gary Grigsby, Warrensburg.

On behalf of Senator Klarich, the President introduced to the Senate, students from Chesterfield Elementary School, St. Louis County.

Senator Loudon introduced to the Senate, his father, Bob Loudon, Ballwin.

Senator Kenney introduced to the Senate, Fred and Susie Wilson, and their daughter, Emily, Doreen Wilson, and Jim and Isabella Smith, Independence; John and Jean Lamb, Fleetwood, England; and Emily was made an honorary page.

Senator Staples introduced to the Senate, Willie Oberman, Melanie Bawen and 60 fourth grade students from Bismarck R-V School, Bismarck; and Mike McNeary, Jacob Weir, Trisha Chunn and Brianna McGuire were made honorary pages.

Senator Westfall introduced to the Senate, Don and Kim McKee, Bolivar.

Senator Bentley introduced to the Senate, Casey Copeland and Patrick Rynard, Jefferson City.

Senator Westfall introduced to the Senate, Tina Holtmeyer, Washington; Sue Morgan, Lamar; and Greg Burriss and Anson Elliott, Springfield.

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

SENATE CALENDAR

FORTY-THIRD DAY—THURSDAY, MARCH 21, 2002

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al	HB 1672-Gambaro, et al
HS for HB 1399-Ransdall	HB 1581-Clayton
HCS for HB 1154	HB 1418-Relford, et al
HB 1519-Boucher	HCS for HB 1765
HB 1192-Harding and Boucher	HS for HCS for HB 1906-
HB 1151-Smith	Green (73rd)
HCS for HBs 1134, 1100 & 1559	HCS for HB 1817
HCS for HB 1451	HS for HCS for HB 1877-
HCS for HB 1425	Foley
HB 1634-Hoppe	HB 1159-Boykins
HB 1342-Farnen	HB 1214-Davis and Cooper
HB 1381-Luetkenhaus	HB 1624-Skaggs, et al
HB 1492-Seigfreid	HB 1204-Seigfreid and Relford
HB 1421-McKenna, et al	HB 1093-Relford and Seigfreid
HB 1375-Luetkenhaus	HB 1714-Hilgemann and
HB 1495-Seigfreid	Shelton
HB 1348-Meyers, et al	HB 1205-Seigfreid and Relford
HCS for HBs 1150, 1237 & 1327	HB 1411-Skaggs
HCS for HB 1711	HB 1094-Relford and Seigfreid
HCS for HB 1398	HB 1397-Ransdall
HS for HB 1498-Johnson (90th)	HB 1391-Smith
HB 1432-Foley	HB 1272-Smith
HB 1477-Farnen	HB 1918-Koller
HB 1668-Holt, et al	HB 1592-Hickey, et al
HB 1446-Luetkenhaus	HS for HCS for HB 1532-Hoppe
HB 1078-Whorton, et al	HCS for HB 1898
HB 1468-Ward	HCS for HB 1403
HB 1086-Harlan	HCS for HB 1202
HB 1406-Barnett	

THIRD READING OF SENATE BILLS

SS for SCS for SB 840-Gross
(In Budget Control)
SB 740-Wiggins (In Budget Control)

SS for SCS for SBs 817, 978
& 700-Gross

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| 1. SB 1059-Bentley, et al,
with SCS | 14. SB 910-Gibbons |
| 2. SB 1052-Sims, with SCS | 15. SB 1104-Mathewson |
| 3. SB 884-DePasco and
Kenney, with SCS | 16. SB 954-Loudon, with SCS |
| 4. SBs 984 & 985-
Steelman, with SCS | 17. SB 1014-Klindt and Kinder |
| 5. SB 1046-Gross and
House, with SCS | 18. SB 1152-Klarich, with SCS |
| 6. SB 1103-Westfall, et al | 19. SBs 766, 1120 & 1121-
Steelman, with SCS |
| 7. SBs 915, 710 & 907-
Westfall, et al, with SCS | 20. SB 926-Kenney, et al,
with SCS |
| 8. SBs 923, 828, 876, 694
& 736-Sims, with SCS | 21. SB 1140-Rohrbach |
| 9. SB 676-Yeckel, et al,
with SCS | 22. SBs 1112 & 854-Caskey
and Russell, with
SCS |
| 10. SB 900-Goode, et al, with
SCS | 23. SB 1111-Quick, with SCS |
| 11. SB 1107-Childers, with
SCS | 24. SB 689-Gibbons, et al,
with SCS |
| 12. SB 912-Mathewson, with
SCS | 25. SB 938-Cauthorn, et al |
| 13. SB 892-Kenney, with SCS | 26. SB 1087-Gibbons,
et al, with SCS |
| | 27. SBs 1279, 1162 & 1164-
Kinder and Wiggins,
with SCS |

HOUSE BILLS ON THIRD READING

HCS for HB 1115, with SCS
(Russell)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| SBs 641 & 705-Russell,
et al, with SCS (pending) | SB 660-Westfall, et al,
with SCS (pending) |
| SB 647-Goode, with SCS | SBs 662 & 704-Westfall,
with SCS & SA 4 (pending) |
| SB 651-Singleton and
Russell, with SCS (pending) | SB 668-Bentley, with SS &
SA 1 (pending) |
| SB 659-House and Kenney,
with SS#2, SA 3 and
SSA 1 for SA 3 (pending) | SBs 670 & 684-Sims, with
SCS |

SBs 688, 663, 691, 716,
 759, 824 & 955-Gibbons,
 et al, with SCS
 SB 881-Steelmann and
 Yeckel, with SCS & SS
 for SCS (pending)
 SBs 894, 975 & 927-Kinder,
 with SCS
 SBs 958 & 657-Kinder,
 with SCS

SBs 969, 673 & 855-
 Westfall and Bentley,
 with SCS, SS for SCS &
 SA 1 (pending)
 SB 1005-Loudon
 SJR 23-Singleton, with SS,
 SA 1 & SSA 1 for SA 1
 (pending)

CONSENT CALENDAR

Senate Bills
 Reported 2/5
 Unofficial

SB 995-Rohrbach

Reported 3/14

SB 1182-Singleton, with SCS
 SBs 1241, 1253 & 1189-
 Coleman and Bland, with SCS
 SB 1251-Gibbons, with SCA 1

SB 1269-Cauthorn
 SB 1119-Johnson
 SB 1203-Yeckel, with SCS

RESOLUTIONS

SR 1026-Jacob, with SA 1
(pending)

SR 1028-Schneider

Copy
 To be Referred

SCR 57-Steelmann

Reported from Committee

SCR 51-Mathewson and
 Yeckel, with SCA 1

SCR 41-Rohrbach
 SR 1109-Caskey

