

# Journal of the Senate

SECOND REGULAR SESSION

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SIXTY-FOURTH DAY—THURSDAY, MAY 2, 2002

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The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

“...but for me and my household, we will serve the Lord.”  
(Joshua 24:15b)

Gracious God, the time has come for decisions to be made in spite of competing concerns and issues. We want to serve only You and to align ourselves with Your good purposes. Give us the courage and strength to make the right decisions as those who have gone before us and faithfully served only You. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Photographers from KSDK-TV, KMBC-TV, KOMU-TV, KRCG-TV, KPLR-TV, KTVI-TV and the Associated Press were given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

Absent with leave—Senator DePasco—1

The Lieutenant Governor was present.

## HOUSE BILLS ON THIRD READING

**HB 1895**, introduced by Representative Carnahan, et al, entitled:

An Act to repeal section 43.518, RSMo, and to enact in lieu thereof one new section relating to the criminal records and justice information advisory committee.

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

On motion of Senator Jacob, **HB 1895** was read the 3rd time and passed by the following vote:

YEAS—Senators

Caskey	Cauthorn	Childers	Dougherty
Foster	Gibbons	Goode	Gross

House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Sims	Staples	Steelman
Stoll	Westfall	Wiggins—27	

NAYS—Senators—None

Absent—Senators

Bentley	Coleman	Quick	Singleton
Yeckel—5			

Absent with leave—Senators

Bland	DePasco—2
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The President declared the bill passed.

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

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

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

**HB 1839**, introduced by Representative Seigfreid, entitled:

An Act to repeal section 233.160, RSMo, and to enact in lieu thereof one new section relating to dissolution of special road districts.

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

On motion of Senator Mathewson, **HB 1839** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Russell
Schneider	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senators

Childers	Coleman	Rohrbach	Sims—4
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Absent with leave—Senators

Bland	DePasco—2
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The President declared the bill passed.

On motion of Senator 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.

**HB 1849**, with **SCS**, introduced by Representatives Barnitz and Overschmidt, entitled:

An Act to authorize the conveyance of property owned by the state in the county of Crawford to the county commission of Crawford county.

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

**SCS** for **HB 1849**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1849

An Act to authorize the conveyance of property owned by the state in the county of Crawford to the county commission of Crawford County, with an emergency clause.

Was taken up.

Senator Steelman moved that **SCS** for **HB 1849** be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **HB 1849** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Klindt Loudon Mathewson Quick  
 Russell Schneider Singleton Staples  
 Steelman Stoll Westfall Wiggins  
 Yeckel—29

NAYS—Senators—None

Absent—Senators

Coleman Rohrbach Sims—3

Absent with leave—Senators

Bland DePasco—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bentley Caskey Cauthorn Childers  
 Dougherty Foster Gibbons Goode  
 Gross House Kennedy Kenney  
 Kinder Klarich Klindt Loudon  
 Mathewson Quick Russell Schneider  
 Sims Singleton Staples Steelman  
 Stoll Westfall Wiggins Yeckel—28

NAYS—Senators—None

Absent—Senators

Coleman Jacob Johnson Rohrbach—4

Absent with leave—Senators

Bland DePasco—2

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.

**HB 1861**, introduced by Representative Burcham, entitled:

An Act to authorize the conveyance of property owned by the state in the County of St. Francois to the Habitat for Humanity of

St. Francois County.

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

On motion of Senator Staples, **HB 1861** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Coleman Quick Rohrbach—3

Absent with leave—Senators

Bland DePasco—2

The President declared the bill passed.

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

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

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

**HB 1982**, introduced by Representative Richardson, entitled:

An Act to repeal section 53.135, RSMo, and to enact in lieu thereof one new section relating to travel expenses for assessors in certain counties.

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

On motion of Senator Foster, **HB 1982** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Coleman	Schneider	Singleton	Staples—4
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Absent with leave—Senators

Bland	DePasco—2
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The President declared the bill passed.

On motion of Senator 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.

**HB 2002**, introduced by Representatives Farnen and Naeger, entitled:

An Act to repeal sections 58.260, 58.270, 58.310, 58.330, 58.340, and 58.360, RSMo, and to enact in lieu thereof six new sections relating to coroners inquests.

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

On motion of Senator Caskey, **HB 2002** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Coleman	Jacob	Singleton	Staples—4
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Absent with leave—Senators

Bland	DePasco—2
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The President declared the bill passed.

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

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

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

**HB 2018**, introduced by Representative Bartle, et al, entitled:

An Act to repeal section 137.245, RSMo, and to enact in lieu thereof one new section relating to tax books for school districts.

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

On motion of Senator Kenney, **HB 2018** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Coleman	Staples—2
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Absent with leave—Senators

Bland	DePasco—2
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The President declared the bill passed.

On motion of Senator 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.

**HB 2039**, introduced by Representative Kreider, entitled:

An Act to amend chapter 229, RSMo, by adding thereto one new section relating to memorial streets and roads.

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

On motion of Senator Stoll, **HB 2039** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators

Bland	DePasco—2
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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.

**HB 2064**, introduced by Representative Walton, et al, entitled:

An Act to amend chapter 92, RSMo, by adding thereto one new section relating to deeds on real property sold at tax foreclosure sales.

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

Senator Gross assumed the Chair.

On motion of Senator Goode, **HB 2064** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Gross—1

Absent—Senator Staples—1

Absent with leave—Senators

Bland	DePasco—2
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The President declared the bill passed.

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

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

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

**HB 2130**, introduced by Representative Boykins, et al, 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 by Senator Coleman.

On motion of Senator Coleman, **HB 2130** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Johnson Staples—2

Absent with leave—Senators

Bland DePasco—2

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

**HB 2047**, with **SCS**, introduced by Representative Ransdall, et al, entitled:

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

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

**SCS** for **HB 2047**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2047

An Act to repeal sections 41.150 and 41.948, RSMo, and to enact in lieu thereof two new sections relating to military forces.

Was taken up.

Senator Mathewson moved that **SCS** for

**HB 2047** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **HB 2047** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Johnson Staples—2

Absent with leave—Senator DePasco—1

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.

**HB 2022**, with **SCS**, introduced by Representative Richardson, entitled:

An Act to repeal section 178.870, RSMo, and to enact in lieu thereof one new section relating to increases and decreases of certain tax rates.

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

**SCS** for **HB 2022**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2022

An Act to repeal section 178.870, RSMo, relating to increases and decreases of certain tax rates, and to enact in lieu thereof two new sections

relating to the same subject.

Was taken up.

Senator Stoll moved that **SCS** for **HB 2022** be adopted, which motion prevailed.

On motion of Senator Stoll, **SCS** for **HB 2022** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Coleman	Quick	Staples—3
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Absent with leave—Senator DePasco—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.

**HB 1973**, introduced by Representative Bowman, entitled:

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to economics and personal finance education.

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

On motion of Senator Schneider, **HB 1973** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Coleman	Quick	Staples—3
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Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

**HB 1515**, introduced by Representative Burton, entitled:

An Act to repeal section 160.360, RSMo, and to enact in lieu thereof one new section relating to the awarding of honorary high school diplomas to certain civilian prisoners of war and veterans.

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

On motion of Senator Bentley, **HB 1515** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Coleman Kinder Staples—3

Absent with leave—Senator DePasco—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.

**HB 1477**, with **SCS**, introduced by Representative Farnen, 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 **HB 1477**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1477

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 **HB 1477** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **HB 1477** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Kennedy	Kenney	Kinder	Klarich
Klindt	Mathewson	Quick	Rohrbach
Russell	Sims	Singleton	Steelman
Stoll	Westfall	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senators

Coleman Dougherty Loudon Schneider  
Staples—5

Absent with leave—Senator DePasco—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.

**HB 1964**, with **SCS**, introduced by Representative Gambaro, entitled:

An Act to repeal section 339.010, RSMo, and to enact in lieu thereof one new section relating to the selling of real estate.

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

**SCS** for **HB 1964**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1964

An Act to repeal sections 339.010, 339.710, 339.720 and 339.770, RSMo, and to enact in lieu thereof four new sections relating to the selling of real estate.

Was taken up.

Senator Yeckel moved that **SCS** for **HB 1964** be adopted, which motion prevailed.

On motion of Senator Yeckel, **SCS** for **HB 1964** was read the 3rd time and passed by the following vote:



YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Coleman          Schneider          Staples—3

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

**HB 1635**, with **SCS**, introduced by Representative Hoppe, entitled:

An Act to repeal section 393.130, RSMo, and to enact in lieu thereof one new section relating to water corporations.

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

**SCS** for **HB 1635**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 1635

An Act to repeal section 393.130, RSMo, relating to deposits for water service, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Wiggins moved that **SCS** for **HB 1635** be adopted, which motion prevailed.

On motion of Senator Wiggins, **SCS** for **HB 1635** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Coleman          Dougherty          Staples          Yeckel—4

Absent with leave—Senator DePasco—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.

**HB 2009**, with **SCS**, introduced by Representative O'Connor, entitled:

An Act to repeal section 301.560, RSMo, and to enact in lieu thereof one new section relating to requirements for licensure of motor vehicle dealers, manufacturers, and auctions.

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

**SCS** for **HB 2009**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 2009

An Act to repeal section 301.560, RSMo, and to enact in lieu thereof one new section relating to requirements for licensure of motor vehicle dealers,

manufacturers, and auctions.

Was taken up.

Senator Kenney moved that **SCS for HB 2009** be adopted, which motion prevailed.

On motion of Senator Kenney, **SCS for HB 2009** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Schneider	Sims
Steelman	Westfall	Wiggins—27	

NAYS—Senators—None

Absent—Senators

Coleman	Kennedy	Singleton	Staples
Stoll	Yeckel—6		

Absent with leave—Senator DePasco—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 Kinder moved that motion lay on the table, which motion prevailed.

**HB 1838**, introduced by Representative Hosmer, entitled:

An Act to repeal section 301.560, RSMo, and to enact in lieu thereof one new section relating to licensure of motor vehicle and watercraft dealers.

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

On motion of Senator Caskey, **HB 1838** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Coleman	Singleton	Yeckel—3
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Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

**HB 1548**, with **SCS**, introduced by Representative Barry, entitled:

An Act to repeal section 191.925, RSMo, and to enact in lieu thereof one new section relating to the newborn hearing screening program.

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

**SCS for HB 1548**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1548

An Act to repeal section 191.925, RSMo, and to enact in lieu thereof one new section relating to newborn hearing screening program.

Was taken up.

Senator Sims moved that **SCS for HB 1548** be adopted, which motion prevailed.

On motion of Senator Sims, **SCS** for **HB 1548** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland Coleman—2

Absent with leave—Senator DePasco—1

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.

**HB 1812**, introduced by Representative Riback Wilson (25), entitled:

An Act to repeal section 192.323, RSMo, and to enact in lieu thereof one new section relating to the health document services fund.

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

On motion of Senator Sims, **HB 1812** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
Dougherty	Foster	Gibbons	Gross
House	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims

Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—27	

NAYS—Senators—None

Absent—Senators

Bland	Coleman	Goode	Jacob
Johnson	Quick—6		

Absent with leave—Senator DePasco—1

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.

**SENATE BILLS FOR PERFECTION**

Senator Russell moved that **SB 1281** be taken up for perfection, which motion prevailed.

At the request of Senator Russell, **SB 1281** was placed on the Informal Calendar.

**MESSAGES FROM THE HOUSE**

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1103**, as amended. Representatives: Green (73), Graham, Wilson (42), Bearden, Shields.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1104**, as amended. Represen-

tatives: Green (73), Bonner, Bray, Bearden, Legan.

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 SCS for SB 947**, entitled:

An Act to repeal sections 178.870, 360.106, 360.111, and 360.112, RSMo, and to enact in lieu thereof five new sections relating to public community colleges.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 980**, entitled:

An Act to repeal section 334.540, RSMo, and to enact in lieu thereof one new section relating to the licensing of physical therapists.

In which the concurrence of the Senate is respectfully requested.

Also,

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

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.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **HCS for SB 758**, entitled:

An Act to repeal section 589.400, RSMo, and to enact in lieu thereof one new section relating to registration of offenders.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SB 950**, entitled:

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1199**.

With House Committee Amendment No. 1.

HOUSE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 1199, Page 1, Section 227.333, Line 8, by inserting after all of said line the following:

**“Section 1. The portion of Ozark County north of U.S. highway 160, east of state routes 5 and 95, south of the Ozark and Douglas County line, and west of the Ozark and Howell County line shall be designated as “Ozark Mills Country”.”**; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 960**, entitled:

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

In which the concurrence of the Senate is respectfully requested.

Also,

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

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 957**, entitled:

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for SCS for SB 737**, 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.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1124**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 804**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 639**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 1132**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 997**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 708**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 701**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 742**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1247**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1001**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 941**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1217**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 967**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1243**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **SB 974**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 1163**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 891**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 1015**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 720**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS for SB 1071**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SB 1048**.

Bill ordered enrolled.

Also,

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

House has taken up and passed **SB 1028**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HB 1814** and has taken up and passed **HB 1814**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SA 1** to **HB 1580** and has taken up and passed **HB 1580**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HB 1846** and has taken up and passed **SCS** for **HB 1846**.

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 1120**, entitled:

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

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 1121**, entitled:

An Act to appropriate money for expenses, grants, refunds, distributions and other purposes for the several departments of state government and

the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, from the funds designated herein.

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

May 2, 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:

Jeffrey J. Simon, Democrat, 1012 Romany Road, Kansas City, Jackson County, Missouri 64113, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2005, and until his successor is duly appointed and qualified; vice, Delores Hudson, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

On motion of Senator Kenney, the Senate recessed until 1:30 p.m.

### RECESS

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

### THIRD READING OF SENATE BILLS

**SCS** for **SB 1266**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1266

An Act to repeal sections 149.200, 149.203, 149.206, 149.212 and 149.215, RSMo, relating to sale of cigarettes, and to enact in lieu thereof five new sections relating to the same subject, with

penalty provisions and an emergency clause.

Was taken up by Senator Kenney.

On motion of Senator Kenney, **SCS** for **SB 1266** was read the 3rd time and passed by the following vote:

YEAS—Senators

Caskey	Cauthorn	Childers	Coleman
Dougherty	Foster	Goode	Gross
House	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Mathewson
Quick	Rohrbach	Russell	Sims
Staples	Steelman	Westfall	Wiggins—24

NAYS—Senators

Gibbons	Loudon	Stoll	Yeckel—4
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Absent—Senators

Bentley	Bland	Jacob	Schneider
Singleton—5			

Absent with leave—Senator DePasco—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 Staples moved that motion lay on the table, which motion prevailed.

**SJR 24**, introduced by Senator Johnson, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri relating to term limits, and adopting one new section in lieu thereof relating to the same subject.

Was taken up.

On motion of Senator Johnson, **SJR 24** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Childers	Coleman	Dougherty
Gibbons	Goode	House	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Mathewson	Quick
Rohrbach	Russell	Sims	Staples
Westfall	Wiggins	Yeckel—23	

NAYS—Senators

Caskey	Cauthorn	Foster	Gross
Singleton	Steelman	Stoll—7	

Absent—Senators

Bland	Jacob	Schneider—3	
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Absent with leave—Senator DePasco—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.

**SB 713**, introduced by Senator Singleton, entitled:

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

Was taken up.

On motion of Senator Singleton, **SB 713** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Goode	Gross	House	Johnson
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Sims	Singleton	Staples	Steelman
Stoll	Wiggins	Yeckel—27	

NAYS—Senators

Caskey	Kennedy	Kenney	Westfall—4
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Absent—Senators

Jacob Schneider—2

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

Senator Singleton 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 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 **SS No. 2** for **SCS** for **SB 1152**; **HB 1342**; **HCS** for **HB 1443**, with **SCS**; and **HB 1926**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Stephen M. Mahfood, Burton A. Boxerman and Scott Burnett, as members of the Second State Capitol Commission;

Also,

John J. Kang, as a member of the Missouri Planning Council for Developmental Disabilities;

Also,

Javier M. Perez, Jr., as a member of the Board

of Police Commissioners for Kansas City;

Also,

Stuart P. Hunt, Marilyn J. Schweitzer, Gerald L. Randall and James B. Chappell, as members of the Board of Election Commissioners for Clay County;

Also,

Patti L. Banks, Kathleen Warman and Robert N. Hartnett, as members of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects;

Also,

Michael B. Smith, as a member of the Jackson County Sports Complex Authority;

Also,

Gilbert G. Adkins, Jr., as a member of the Board of Directors for the American National Fish and Wildlife Museum District;

Also,

Dana Hockensmith, as a member of the Missouri Family Trust Board of Trustees;

Also,

Marilyn K. Bush, as a member of the Missouri Higher Education Loan Authority;

Also,

Joyce M. Theard, as a member of the State Milk Board;

Also,

Tina A. Odo, as a member of the Missouri Public Entity Risk Management Board of Trustees;

Also,

Jun Oizumi, M.D., Ph.D. and Tobias J. T. Meeker, as members of the Missouri Genetic Advisory Committee;

Also,

Douglas Lang, as a member of the Missouri

Board of Pharmacy;

Also,

John T. Adams, as a member of the Missouri State Committee of Interpreters;

Also,

John S. Gaal and Brenda J. Wrench, as members of the Missouri Training and Employment Council;

Also,

Jane Overton, as a public member of the State Committee for Social Workers;

Also,

Booker T. Rice and Harvey A. Harris, as members of the Bi-State Development Agency.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

**THIRD READING OF SENATE BILLS**

**SS No. 2 for SCS for SB 1152**, introduced by Senator Klarich, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 1152

An Act to repeal sections 27.060, 43.540, 50.333, 56.640, 57.290, 59.041, 59.042, 67.133, 143.782, 287.210, 429.032, 429.080, 429.090, 429.120, 429.160, 429.270, 429.460, 429.470, 429.490, 429.540, 430.225, 454.505, 455.027, 455.060, 455.067, 455.075, 455.504, 455.508, 476.058, 476.270, 476.320, 476.340, 476.385, 478.725, 483.245, 484.020, 488.005, 488.012, 488.015, 488.020, 488.610, 488.2300, 488.4014, 488.5320, 491.300, 494.410, 494.415, 494.420,

511.350, 511.510, 517.141, 517.151, 537.684, 577.051, 589.410, 595.045, 610.106, 610.110, 610.120 and 610.122, RSMo, relating to judicial and administrative procedure and practice, and to enact in lieu thereof sixty-eight new sections relating to the same subject, with penalty provisions.

Was taken up.

On motion of Senator Klarich, **SS No. 2 for SCS for SB 1152** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Gross—1

Absent—Senators

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

The President declared the bill passed.

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

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

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

**SENATE BILLS FOR PERFECTION**

Senator Kinder moved that **SB 1279, SB 1162** and **SB 1164**, with **SCS, SS No. 2 for SCS, SA 7, SSA 1 for SA 7 and SA 1 to SSA 1 for SA 7** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to SSA 1 for SA 7 was again taken up.

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

SSA 1 for SA 7 was again taken up.

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

SA 7 was again taken up.

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

Senator Schneider offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 13, Section 67.2012, Lines 23-27 of said page, by striking all of said lines and inserting in lieu thereof the following:

**“(3) Five commissioners shall be appointed by the governor with the advice and consent of the senate. No such commissioner shall be a resident of a United States congressional district that includes all or any portion of the county or the city of St. Louis. At least one such commissioner shall be a retired appellate or circuit court judge who did not leave his or her position as a judge as a result of being defeated in an election or as a result of being retired or removed pursuant to the provision of article V, section 24, Missouri Constitution. At least one such commissioner shall have expertise in contract law. One commissioner shall be an elected state wide office holder, and one commissioner shall be an employee of the executive department who shall serve as the governor's personal representative and who shall serve at the pleasure of the governor. No commissioner, or their immediate family, shall receive, directly or indirectly, any gift, gratuity, political contribution, or other thing of value from any person, corporation, association, or firm which has any financial interest in the team or is a party to the lease as specified in**

**subsection 1 of section 67.2054, RSMo, or who owns any interest in real estate within a sports center redevelopment area, or who undertakes to contract for the improvements of buildings and real estate in a sports center redevelopment area or any contractor or subcontractor who makes and receives bids from the awarding authority on projects within such area. The commissioners shall be subject to the provisions of sections 105.450 to 105.496, RSMo, as appointed officials, and shall carry the additional responsibility of being a fiduciary of the state and shall be charged with the duty of protecting the state's interests with regard to the provisions of this act.”.**

Senator Schneider moved that the above amendment be adopted.

Senator Gross offered SA 1 to SA 8, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 8

Amend Senate Amendment No. 8 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 1 of amendment, Section 67.2012, Line 7, by inserting after the words “**city of St. Louis.**” the following: “**No more than three such commissioners shall be from any one political party.**”.

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

SA 8, as amended, was again taken up.

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

Senator Schneider offered SA 9:

SENATE AMENDMENT NO. 9

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 32, Section 67.2033, Line 17

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

**“5. The state auditor shall conduct an annual audit of all accounts and transactions of the authority pursuant to section 29.200, RSMo, and such other special audits, including audits of participating cities and counties, as may be necessary. All audit reports shall be presented to the general assembly pursuant to section 181.100, RSMo, and to the authority, the governor, the state treasurer and the attorney general.**

**6. The state auditor shall certify on an annual basis the amount of new state revenues and the commissioner of administration shall not seek an appropriation pursuant to this subsection until the state auditor has provided such certification.”.**

Senator Schneider moved that the above amendment be adopted.

Senator Kennedy offered SA 1 to SA 9, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 9

Amend Senate Amendment No. 9 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 1, Section 67.2033, Lines 10-14, by deleting all of said lines.

Senator Kennedy moved that the above amendment be adopted.

At the request of Senator Kennedy, SA 1 to SA 9 was withdrawn.

SA 9 was again taken up.

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

Senator Klarich offered SA 10, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute No. 2 for Senate

Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 41, Section 67.2076, Line 5 of said page, by deleting the word “not”.

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

Senator Schneider offered SA 11:

SENATE AMENDMENT NO. 11

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 39, Section 67.2054, Line 22 of said page, by inserting after all of said line the following:

**“9. The team shall bear all of the liability for, and shall indemnify the state and the authority for all liability arising out of, the occupation and operation of the stadium and mixed-use facilities, and nothing in this act shall be construed to, and no provision of any agreement implement or entered into under authority of this act shall purport to, give the team any immunity or protection from such liability that the team would not otherwise possess had those facilities been entirely owned by private parties and funded with private dollars.”.**

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

Senator Schneider offered SA 12:

SENATE AMENDMENT NO. 12

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 39, Section 67.2057, Line 26 of said page, by inserting after all of said line the following:

**“67.2059. The attorney general shall assist the governor, the office of administration, and the authority in drafting, and shall be responsible to review and approve the terms of all agreements of any kind implemented or entered into pursuant to sections 67.2000 to**

**67.2060 for the purpose of ensuring that such agreements are in compliance with the requirements of sections 67.2000 to 67.2060.”;** and

Further amend the title and enacting clause accordingly.

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

Senator Cauthorn offered **SA 13**:

**SENATE AMENDMENT NO. 13**

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 46, Section 67.2150, Line 16 of said page, by inserting after all of said line the following:

“70.853. 1. The new net public fiscal benefit arising from a qualifying project shall be the net additional tax and other revenues accruing to the state and the participating counties and cities, respectively, as a direct or indirect result of the new economic activity generated by the planning, construction, operation and use after January 1, 1989, of such qualifying project and any expansion after January 1, 1989, of a related facility owned or operated by any political subdivision, public agency, public body or other public entity, or any combination thereof, which facility shall be or is being operated jointly with the project. The taxes and other revenues to be included in determining the new net public fiscal benefit shall be net of any revenue caused to be lost or shifted by the project and shall include, but not be limited to, taxes paid by and other revenues derived from employees, independent contractors and other persons and companies engaging or participating in or related to the planning, engineering, construction, ownership, use, leasing and operation of such projects and related facilities, sales taxes attributable to construction of such projects and to ticket, concession and other sales at, or related to, such projects and related facilities, hotel, motel, restaurant and similar taxes as a result of

attendance at events at such projects and related facilities or otherwise, and revenue from any indirect increase in economic activity and employment as a result of the construction, ownership, use, leasing and operation of such projects and related facilities.

2. The final determination of the new net public fiscal benefit for each fiscal year of the state and each participating county and city shall be made by the office of administration, with the assistance, if required, of an independent consultant at the cost of the qualifying project, at the close of each such fiscal year, and shall be based on the new net public fiscal benefit accruing to each of the state and participating counties and cities in such fiscal year of each of them. Such determination shall be made for each of the state and participating counties and cities at the close of the fiscal year in which the planning of the project is commenced and at the close of each such fiscal year thereafter as provided in any contract, agreement, lease or sublease referred to in section 70.851. Any such determination of the new net public fiscal benefit made in accordance with such contract, agreement, lease or sublease and law shall be binding on the parties thereto.

3. The determination of such new net public fiscal benefit shall take into account out-of-state resident use of the projects and related facilities, out-of-state resident spending based on International Association of Convention and Visitors Bureau standards, and direct and indirect fiscal benefit calculated on the economic impact forecast system part of the environmental technical information system of the United States Army Corps of Engineers. Alternatively, this portion, or any other portion of such new net public fiscal benefit, may be determined in accordance with specific procedures and criteria established pursuant to any contract, agreement, lease or sublease referred to in section 70.851 so long as such procedures and criteria take into account the factors described in this section.

4. The state auditor shall conduct an annual audit of all accounts and transactions of the authority pursuant to section 29.200, RSMo, and such other special audits, including audits of participating cities and counties[, as he may deem necessary]. The auditor and his agents conducting an audit shall have access and authority to examine any and all records of the authority and any participating city and county. All audit reports shall be presented to the general assembly pursuant to section 181.100, RSMo, and to the authority, participating cities and counties, the governor, the commissioner, the state treasurer, and the attorney general.”; and

Further amend the title and enacting clause accordingly.

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

Senator Klarich requested unanimous consent of the Senate that the rules be suspended and the Committee on Judiciary be allowed to meet while the Senate is in session, which request was granted.

Senator Steelman offered **SA 14**:

**SENATE AMENDMENT NO. 14**

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 7, Section 67.2003, Line 23, by deleting the phrase “third calendar year before” and inserting in lieu thereof the phrase “first calendar year after”; and further by amending the same page, same section, line 24, by deleting the phrase “or declaration approving the need for” and further by amending page 8, same section, line 4, by deleting the word “third” and inserting in lieu thereof the word “first”; and further by amending same page, same section, line 5, by deleting the word “before” and inserting in lieu thereof the word “after”; and further by amending same page, same section, lines 5 and 6, by deleting the phrase “or declaration approving the need for” and inserting in lieu thereof the word “establishing”.

Senator Steelman moved that the above amendment be adopted.

Senator Gross offered **SSA 1** for **SA 14**:

**SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 14**

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 7, Section 67.2003, Line 23 of said page, by inserting after the word “year” the following: “**as adjusted for inflation in an amount equal to one-half of the Consumer Price Index for Midwestern States**”; and

Further amend said bill, Page 8, Section 67.2003, Line 5 of said page, by inserting after the word “year” the following: “**as adjusted for inflation in an amount equal to one-half of the Consumer Price Index for Midwestern States**”.

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

**SA 14** was again taken up.

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

Senator Childers assumed the Chair.

Senator Goode offered **SA 15**:

**SENATE AMENDMENT NO. 15**

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 62, Section 99.845, Line 14, by inserting after all of said line the following:

**“(16) The state auditor shall conduct an annual audit of all accounts and transactions of the authority pursuant to section 29.200, RSMo, and such other special audits, including audits of participating cities and counties, as may be necessary. All audit reports shall be presented to the general assembly pursuant to section 181.100, RSMo, and to the authority, the governor, the state treasurer and the attorney general.**

**(17) The state auditor shall certify on an annual basis the amount of new state revenues**

**and the commissioner of administration shall not seek an appropriation pursuant to this subsection until the state auditor has provided such certification.”.**

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

Senator Goode offered SA 16:

SENATE AMENDMENT NO. 16

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 42, Section 67.2076, Line 10, by inserting after all of said line the following:

**“5. The state auditor shall conduct an annual audit of all accounts and transactions of the specially designated multipurpose facility account pursuant to section 29.200, RSMo, and such other special audits, including audits of participating cities and counties, as may be necessary. All audit reports shall be presented to the general assembly pursuant to section 181.100, RSMo, and to the authority, the governor, the state treasurer and the attorney general.**

**6. The state auditor shall certify on an annual basis the amount of new state revenues and the commissioner of administration shall not seek an appropriation pursuant to this subsection until the state auditor has provided such certification.”; and**

Further renumber the remaining subsections accordingly.

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

Senator Goode offered SA 17:

SENATE AMENDMENT NO. 17

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 59, Section 99.845, Line 6, by inserting after all of said line the following:

**“(14) The state auditor shall conduct an**

**annual audit of all accounts and transactions of the authority pursuant to section 29.200, RSMo, and such other special audits, including audits of participating cities and counties, as may be necessary. All audit reports shall be presented to the general assembly pursuant to section 181.100, RSMo, and to the authority, the governor, the state treasurer and the attorney general.**

**(15) The state auditor shall certify on an annual basis the amount of new state revenues and the commissioner of administration shall not seek an appropriation pursuant to this subsection until the state auditor has provided such certification.”.**

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

Senator Goode offered SA 18:

SENATE AMENDMENT NO. 18

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 4, Section 67.642, Line 13, by inserting after all of said line the following:

**“6. The state auditor shall conduct an annual audit of all the project fund established by the most populous county in Missouri participating in the metropolitan cultural district pursuant to section 29.200, RSMo, and such other special audits, including audits of participating cities and counties, as may be necessary. All audit reports shall be presented to the general assembly pursuant to section 181.100, RSMo, and to the metropolitan cultural district, the governor, the state treasurer and the attorney general.**

**7. The state auditor shall certify on an annual basis that the amount of cumulative annual sales tax revenue generated by the metropolitan cultural district exceeds the cumulative annual state general fund appropriations and the commissioner of administration shall not seek an appropriation**

**pursuant to this subsection until the state auditor has provided such certification.”.**

Senator Goode moved that the above amendment be adopted.

At the request of Senator Kinder, **SB 1279**, **SB 1162** and **SB 1164**, with **SCS**, **SS No. 2** for **SCS** and **SA 18** (pending), were placed on the Informal Calendar.

### MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **HB 1711** and has taken up and passed **CCS** for **HCS** for **HB 1711**.

Emergency clause adopted.

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 1777**, entitled:

An Act to repeal sections 44.023, 306.124, 307.177, 407.472, 407.1095, 570.030, 571.020, 574.115, 578.008, and 610.021, RSMo, and to enact in lieu thereof seventeen new sections relating to terrorism, with penalty provisions, with expiration dates for certain sections, and an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1988**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the establishment of an official state horse.

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 2097**, entitled:

An Act to repeal sections 413.005, 413.015, 413.055, 413.065, 413.075, 413.085, 413.115, 413.125, 413.135, 413.145, 413.155, 413.165, 413.225, and 413.227, RSMo, and to enact in lieu thereof fourteen new sections relating to weights and measures, with penalty provisions.

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 2137**, entitled:

An Act to repeal section 54.261, RSMo, and to enact in lieu thereof one new section relating to compensation for county treasurers.

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 **SB 1220**, entitled:

An Act to repeal section 313.057, 313.230, 313.810 and 313.822, RSMo, and to enact in lieu thereof four new sections relating to gaming, with penalty provisions.

With House Amendment No. 1 and House



Amendment No. 2 to Part 2, House Amendment No. 1 to Part 4.

HOUSE AMENDMENT NO. 1 TO  
PART II

Amend Part II of House Substitute for Senate Bill No. 1220, by inserting in the appropriate locations the following sections:

“313.500. As used in sections 313.500 to [313.710] **313.720**, unless the context clearly indicates that a different meaning is intended, the following terms mean:

(1) **“Applicant”, any person applying for a license to be granted by the commission. If the applicant is a corporation, partnership or other person as that term is defined in section 351.015, RSMo, the term includes the officers and directors of the corporation or the general partners of a partnership or person performing similar functions for any business applying for such a license;**

[(1)] (2) **“Breakage”, the odd cents by which the amount payable on each dollar wagered exceeds a multiple of ten cents, or such other amount as set by the commission;**

[(2)] (3) **“Commission”, the Missouri [gaming] horse racing commission, [created in section 313.004,] or its designate;**

(4) **“Commission on wagers”, an amount retained and not returned to patrons by a licensee from the total amount of pari-mutuel wagers;**

(5) **“Common pari-mutuel pool”, a pool consisting of the pari-mutuel wagers on a race placed and accepted at a racetrack or other facility outside the state where pari-mutuel wagers are permitted;**

[(3)] (6) **“County”, any county in the state of Missouri or the city of St. Louis;**

[(4)] (7) **“Horse”, any equine, ass, mule, pony, or hybrid thereof;**

[(5) “Organization”, any individual, political subdivision, state agency, partnership, unincorporated association, firm, or corporation licensed by the commission to conduct a horse racing meeting;]

(8) **“Licensee”, any individual, partnership, corporation, unincorporated association, firm, or other business organization licensed by the commission to conduct a race meeting and pari-mutuel wagering. If the licensee is a corporation, partnership or other person as that term is defined in section 351.015, RSMo, the term includes the officers and directors of the corporation or the general partners of the partnership or person performing similar functions for any business that holds a license;**

(9) **“Missouri bred horse”, any equine which was foaled within this state;**

(10) **“Occupational licensee”, any person licensed by the commission to perform an occupation associated with racing, simulcasting or pari-mutuel wagering, which the commission has identified as requiring a license;**

[(6)] (11) **“Pari-mutuel wagering”, a form of wagering on the outcome of [horse] races in which those who [wager purchase tickets] participate place wagers of various denominations on a horse or horses in one or more races, all wagers are pooled, and when the outcome of the race has been declared official, the total wagers comprising each pool, less such amounts provided herein or which are provided by law or rule, will be distributed to holders of winning tickets on the [winning] horse or horses;**

(12) **“Pari-mutuel system”, a computerized system or component of a system that is used to transmit wagering data to and from a racetrack which participates in common pari-mutuel pools;**

[(7)] (13) **“Public official”, any elected member of the executive branch of state government and any director of a state department,**

any judge other than a judge of the municipal division of a circuit court, and any elected member of the legislative branch of state government;

**(14) “Race” or “racing”, any type of horse race or horse racing;**

[(8) “Race meet” or] **(15) “Race meeting”, [the whole period of time, whether consecutive dates or those instances where nonconsecutive dates are granted, for which a racetrack license to race has been granted to any one organization by the commission;**

**(9) “Racing”, any type of horse racing.] the activities conducted at a race meeting grounds including live or simulcast races, all as licensed by the commission, on any given date or series of dates;**

**(16) “Race meeting grounds”, a racetrack licensed by the commission and the surrounding structures and property under control of a licensee;**

**(17) “Simulcast”, the audio and visual transmission of a live, realtime race, or series of races, provided in any manner approved by the commission;**

**(18) “Steward”, a person designated by the commission to monitor race meetings to ensure compliance with sections 313.500 to 313.720 and regulations promulgated thereunder;**

**(19) “Stockholder”, record owners of any class of stock and beneficial owners of any kind specified in subsection 4 of section 313.600, that constitute five percent or more of the licensee's stock or units of ownership. Notwithstanding the preceding sentence, in the event the licensee is a subsidiary of a public company, the term “stockholder” shall mean record owners of five percent or more of the licensee's stock or units of ownership, and beneficial owners who have the practical ability to control the management of a licensee. For purposes of this subdivision, “public company” shall mean any company whose stock is traded on the New York Stock**

**Exchange, the Nasdaq National Market or any similar security exchange.**

313.510. **1.** There is hereby created the “Missouri Horse Racing Commission”, which shall consist of five members appointed by the governor with the advice and consent of the senate. **Members of the commission shall be citizens and eligible voters of this state and shall not have been convicted of a felony. Not more than three members shall be affiliated with the same political party and not more than one member may be a resident of any one congressional district or of any single county or of the City of St. Louis. At least two of said members shall be horsemen as such term is commonly understood in the industry. Of the members first appointed, one shall be appointed for a one-year term, one shall be appointed for a two-year term, one shall be appointed for a three-year term, one shall be appointed for a four-year term, and one shall be appointed for a five-year term; and thereafter members shall be appointed for terms of five years. A minimum of twenty-five percent of all commissioners appointed shall be minorities. The governor shall designate one of the members to be chairman. The commission shall oversee the development and administration of the pari-mutuel horse racing industry in Missouri. The commission shall be assigned to the [Missouri gaming commission] department of public safety.**

**2.** The governor shall designate one of the members as the chair.

**3.** The governor may remove any member of the commission from office for malfeasance or neglect of duty in office.

**4.** In the event of a vacancy on the commission due to the removal, resignation or death of a commission member, the governor shall appoint an interim commissioner to serve the remainder of the unexpired term.

**5.** The commission shall perform all duties

**and have all the powers and responsibilities conferred and imposed on it pursuant to sections 313.500 to 313.720, related to horse racing and pari-mutuel wagering.**

313.520. 1. [The horse racing commission shall not hire any person to be an employee of the commission.] **Subject to appropriations, the commission may hire an executive director and such employees as it may deem necessary to carry out the commission's duties. A minimum of twenty-five percent of employees hired by the commission shall be minorities. The commission shall have authority to require investigations of any employee or applicant for employment as deemed necessary and use such information or any other information in determination of employment. The commission shall promulgate rules and regulations establishing a code of ethics for its employees that shall include, but not be limited to, restrictions on which employees shall be prohibited from participating in or wagering on any race subject to the jurisdiction of the commission or from placing wagers subject to the jurisdiction of the commission. The commission shall determine if any employees of the commission or any licensee shall be subject to any restrictions on their ability to participate in any race meeting or wager at any racetrack under the jurisdiction of the commission.**

2. The duties of the executive director of the [gaming] commission[, in addition to all other duties prescribed by law,] shall include the following:

(1) Taking and preserving records of all proceedings before the commission, maintaining its books, documents, and records, and making them available for public inspection;

(2) If so designated by the commission, acting as a hearing officer in hearings;

(3) Acting as the commission's chief personnel officer and supervising the employment, conduct,

duties, and discipline of commission employees; and

(4) Performing other duties as directed by the commission.

3. Except as provided in subdivision [(7)] **(5)** of section 313.560, the officials at any race meeting, [as this term is customarily understood in racing,] including by way of enumeration only and not in limitation, placing judges, patrol judges, clerks of the scales, starters and assistants, handicapper, timer, paddock judge, veterinarians, racing secretary, and clerk of the course shall be paid by the racetrack licensee.

313.530. [Except as provided in section 313.620, all revenues derived or generated from the licensing of racetracks and] **1. Other than revenues designated for the Missouri breeders fund pursuant to sections 313.652, 313.655 and 313.720, all revenues derived or generated from the licensing fees, racetracks, civil or administrative penalties, laboratory testing services fees, the authorization of race meetings, races [under] and wagering pursuant to sections 313.500 to [313.710] 313.720, and all moneys received by the state[,], and the commission [or the director of revenue] from pari-mutuel wagering pools shall be [deposited by] transmitted to the director of revenue for deposit in the state treasury to be held in a special account to be known as the "Missouri Horse Racing Fund". Interest earned on the Missouri horse racing fund shall be credited to that fund. The money in the Missouri horse racing fund shall be deposited in the state treasury and invested by the state treasurer[, subject to appropriation as provided by the constitution and laws enacted pursuant thereto]. The Missouri horse racing fund shall be used to pay the expenses of the commission to the extent that it is sufficient to satisfy the commission's obligations.**

**2. Any surplus remaining in the Missouri horse racing fund at the end of a fiscal year shall be deposited in the state treasury to the**

**credit of the state schools moneys fund. Moneys deposited in this fund pursuant to this section shall be considered the proceeds of racing and state funds pursuant to article IV, section 15 of the Missouri Constitution. All interest received on the horse racing proceeds shall be credited to state schools moneys fund.**

313.540. 1. The commission shall have powers to [prescribe] **promulgate** and enforce rules and regulations governing [horse] races, [and] race meetings **and pari-mutuel wagering**. Such rules and regulations shall contain criteria to be used by the commission for decisions on approving and revoking [racetrack] licenses and **for** setting racing dates. The commission may delegate to **its employees or to** the stewards such of the commission's powers and duties as may be necessary to carry out and effectuate the purposes of sections 313.500 to [313.710] **313.720**. Any decision or action of such **employees or** stewards may be appealed to the commission or may be reviewed by the commission on its own initiative.

**2. 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.**

313.550. 1. The commission may issue subpoenas for the attendance of witnesses or the production of any records, books, memoranda, documents, or other papers or things, to enable [any of them] **it** to effectually discharge its [or his] duties, and may administer oaths or affirmations as

necessary in connection therewith. In addition, the commission shall have the authority to issue subpoenas [under] **pursuant to** section 536.077, RSMo, in contested cases.

2. Any person subpoenaed who fails to appear at the time and place specified in answer to the subpoena and to bring any papers or things specified in the subpoena, or who upon such appearance, refuses to testify or produce such records or things, upon conviction, is guilty of a class A misdemeanor.

3. Any person who testifies falsely under oath in any proceeding before, or any investigation by, the commission, its [secretary] **employees**, or the stewards, upon conviction, shall be guilty of a class D felony **and a class C felony for second and subsequent violations**.

313.560. The commission shall have all powers necessary and proper to fully and effectively execute the provisions of sections 313.500 to [313.710] **313.720** including, but not limited to, the following:

(1) The provisions of chapter 34, RSMo, to the contrary notwithstanding, the executive director, pursuant to rules and regulations issued by the commission, may directly purchase or lease such goods or services as are necessary for effectuating the purposes of sections 313.500 to [313.710] **313.720**, provided however, that the board of public buildings shall provide the principal office space for the commission's staff. Contracts shall be awarded on the basis of lowest and best bid. The executive director shall use state purchasing procedures except for professional services or emergency purchases [necessary for the race meet] authorized pursuant to section 34.100, RSMo. No contract awarded or entered into by the executive director may be assigned by the holder thereof except with specific approval of the commission;

(2) [The commission is vested with the power to enter without a search warrant the office, horse racetrack, facilities, other places of business,

residences, tack rooms, vehicles and any other premises under the control of any licensee on the grounds of a licensed association at all reasonable hours to determine whether there has been compliance with the provisions of sections 313.500 to 313.710 and rules and regulations promulgated thereunder, and to discover any contraband as described in chapter 195, RSMo, or in rules promulgated pursuant to sections 313.500 to 313.710;

(3) The commission is vested with the authority to investigate alleged violations of the provisions of sections 313.500 to [313.710] **313.720**, its reasonable rules and regulations, orders and final decisions; [the commission shall take appropriate disciplinary action, including suspension or revocation of the license, against any racetrack licensee or occupation licensee for violation thereof or institute appropriate legal action for the enforcement thereof pursuant to subdivision (10) of this section;

(4) (3) The commission may eject or exclude from any race meeting [or licensee] grounds [or any part thereof, any occupation licensee or], any [other] individual whose conduct or reputation is such that his **or her** presence [on licensee grounds] may, in the opinion of the commission, call into question the honesty and integrity of [horse] racing or interfere with the orderly conduct of [horse] racing **or pari-mutuel wagering**; provided, however, that no person shall be excluded or ejected [from licensee grounds] on the grounds of race, color, creed, national origin, ancestry, or sex. The commission shall by rule provide for an expedited hearing for any occupation licensee excluded pursuant to this subsection;

[(5)] (4) The commission is vested with the power to acquire, establish, maintain and operate, or provide by contract testing laboratories and related facilities, for the purpose of conducting saliva, blood, urine and other tests on the horses run or to be run in any race meeting and to lease or purchase all equipment and supplies deemed

necessary or desirable in connection with any such testing laboratories and related facilities and all such tests. The commission shall explore the feasibility of establishing such a testing facility at and in conjunction with the University of Missouri, College of Veterinary Medicine. The racetrack licensee shall on a per sample basis pay a fee as determined by the commission for such laboratory testing services;

[(6)] The commission may require that the records, including financial or other statements of any racetrack licensee under sections 313.500 to 313.710, shall be kept in such manner as prescribed by the commission and that any racetrack licensee submit to the commission on or before March fifteenth of each year, for the preceding fiscal year of the licensee an annual audited balance sheet and profit and loss statement and any other information the commission deems necessary in order to effectively administer sections 313.500 to 313.710 and all rules, regulations, orders and final decisions promulgated under sections 313.500 to 313.710. The fiscal year for any licensee shall be the calendar year;

(7) (5) The commission shall require that there shall be three stewards at each horse race meeting, who shall be appointed by the commission **and unless directed by the commission, at least one steward shall be certified by the Association of Racing Commissioners International or equivalent organization**. They shall be paid for by the state and shall be considered state employees for all purposes. Stewards appointed by the commission, while performing duties required by sections 313.500 to [313.710] **313.720** or by the commission, shall be entitled to the same rights and immunities as granted to commission members and employees [under] **pursuant to** section 313.570;

[(8)] (6) The commission is vested with the power to impose civil penalties of up to five thousand dollars against [individuals]

**occupational licensees** and up to ten thousand dollars against [organizations] **licensees** for each violation of any provision of sections 313.500 to [313.710] **313.720**, any rules adopted by the commission, any lawful order of the commission or any other action which, in the commission's discretion, is found to be a detriment or impediment to [horse] racing or **pari-mutuel wagering**. Such penalties, when recovered, shall be paid into the Missouri horse racing fund. Any civil penalties so imposed shall be sued for by the attorney general in the name of the state;

[(9)] **(7)** The commission may request that the attorney general make investigations, on behalf of and in the name of the commission, and bring suits or institute proceedings for any of the purposes necessary and proper for carrying out the functions of the commission;

[(10)] **(8)** The commission may request that the Missouri state highway patrol investigate or participate in such matters as it deems necessary. The Missouri state highway patrol shall have authority to investigate the commission relative to the operation and administration of sections 262.260 to 262.270, RSMo, and 313.500 to [313.710] **313.720**, and to report suspected violations of state law or federal law by the commission to the proper prosecuting authorities. In the event that a violation of state law is reported to the proper prosecuting authority and no prosecution is commenced within thirty days for alleged violations, the attorney general shall have authority to commence prosecution for alleged violations of sections 262.260 to 262.270, RSMo, and 313.500 to [313.710] **313.720** or other criminal statutes alleged to have been violated. The cost of personnel and related expenses in the Missouri state highway patrol, including the division of drug and crime control, to accomplish the purposes of this section shall be paid within the limits of appropriations from general revenue, or from such other funding as may be authorized by the general assembly.

**313.561. In addition to the powers granted to the commission in section 313.560, the commission shall have the following powers and duties relating to applicants and licensees:**

**(1) To investigate the qualifications of each applicant pursuant to sections 313.500 to 313.720 before any license is issued and to continue to observe the conduct of all licensees and other persons having a material involvement directly or indirectly with the licensee;**

**(2) To deny any application or limit, condition, restrict, revoke, or suspend a license of any person for any cause deemed reasonable by the commission. Any person aggrieved by any action of the commission authorized in this subdivision may appeal such action to the appropriate circuit court;**

**(3) To adopt standards for the conduct of pari-mutuel wagering on the race meeting grounds, except that the commission shall not permit a licensee to accept pari-mutuel wagers unless its facility on the race meeting grounds:**

**(a) Is designed to seat patrons comfortably, with multiple screens to enable each patron to view simulcast races;**

**(b) Is suitable for licensing by the division of liquor control; and**

**(c) Has food and beverage services available at all hours the facility is open to the public for race meetings;**

**(4) To require a licensee to remove any person from the race meeting grounds facility if such person violates any provision of sections 313.500 to 313.720 or any rule or regulation promulgated thereunder or if such person engages in fraudulent practices;**

**(5) To enter without a search warrant the office, race meeting grounds, other places of business, tack rooms, vehicles, and any other premises under the control of any licensee at all**

reasonable hours to determine whether there has been compliance with the provisions of sections 313.500 to 313.720 and the rules and regulations promulgated thereunder, and to discover any substance or item regulated in chapter 195, RSMo, or by rules and regulations promulgated pursuant to sections 313.500 to 313.720;

(6) To require that the records, including financial or other statements of any licensee pursuant to sections 313.500 to 313.720, shall be kept in such manner as prescribed by the commission and that any licensee submit to the commission on or before a date certain each year established by the commission, for the preceding fiscal year of the licensee an annual audited balance sheet and profit-and-loss statement and any other information the commission deems necessary in order to effectively administer sections 313.500 to 313.720 and all rules, regulations, orders, and final decisions promulgated pursuant to sections 313.500 to 313.720. The fiscal year for any licensee shall be the calendar year; and

(7) The commission may levy administrative penalties of up to two thousand dollars per day against a licensee who violates the provisions of sections 313.500 to 313.720 or any rule or regulation promulgated thereunder.

313.562. A holder of any license shall be subject to impositions of penalties, suspension or revocation of such license, or other action for any act or failure to act by such person or such person's agents or employees, that is injurious to the public health, safety, morals, good order, and general welfare of the people of this state or that would discredit or tend to discredit the Missouri horse racing industry or this state unless the licensee proves by clear and convincing evidence that it is not guilty of such action. The commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission.

Without limiting other provisions of this section, the following acts or omissions may be grounds for such discipline:

(1) Failing to comply with or make provisions for compliance with sections 313.500 to 313.720, the rules and regulations of the commission or any federal, state, or local law or regulation;

(2) Failing to comply with any rule, order, or ruling of the commission or its agents pertaining to horse racing or pari-mutuel wagering;

(3) Being suspended or ruled ineligible or having a license associated with horse racing revoked or suspended in any state or jurisdiction;

(4) Associating with, either socially or in business affairs, or employing persons of notorious or unsavory reputation or who have extensive police records, or who have failed to cooperate with any officially constituted investigatory or administrative body and who would adversely affect public confidence and trust in horse racing or pari-mutuel wagering;

(5) Employing in any horse racing operation or associated facility any person known to have been found guilty of cheating or using any improper device in connection with any horse race, pari-mutuel wagering operation, or other type of gaming;

(6) Use of fraud, deception, misrepresentation, extortion, threats, or bribery in securing any permit or license issued pursuant to sections 313.500 to 313.720;

(7) Obtaining or attempting to obtain any fee, charge, or other compensation by fraud, deception, misrepresentation, extortion, or threats;

(8) Incompetence, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions

**or duties regulated by sections 313.500 to 313.720.**

313.580. 1. Pari-mutuel wagering shall only be conducted within the grounds or enclosure of a racetrack licensed by the commission and shall only be conducted with respect to [horse] races [and], race meetings [which have been authorized by the commission at such licensed racetrack] **or simulcasts. No gaming devices or practices shall be allowed on the race meeting grounds other than those devices and practices necessary to conduct pari-mutuel wagering on live races or the simulcast of live races.**

2. No [organization] **entity** shall conduct pari-mutuel wagering on [horse] racing without a valid [racetrack] license issued by the commission [with respect to the conduct of horse racing and race meets authorized by the commission]. Any [organization] **entity** desiring to conduct pari-mutuel wagering on [horse] racing shall apply to the commission for a [racetrack] license and shall provide the information required by the commission before a license may be issued.

[2.] **3.** The commission shall not issue any [racetrack] license to any [individual or organization] **applicant:**

(1) Who has or which has an officer, director, **member, manager**, or stockholder who has been convicted of a felony;

(2) Who has or which has an officer, director, **member, manager**, or stockholder who has been convicted of or pleaded nolo contendere to any illegal gambling activity; or

(3) Who is or which has an officer, director, **member, manager**, or stockholder who is not of good moral character. [As used in this subsection, the term “stockholder” shall mean record owners of any class of stock, and beneficial owners of any class of stock as provided in subsection 4 of section 313.600, which constitutes two percent or more of the licensee's stock.

3.] **4.** The commission shall not issue any

license for a racetrack unless the commission has first determined:

(1) That the applicant would be a suitable licensee;

(2) That a licensed racetrack at the proposed location would be in the public interest;

(3) That the proposed racetrack operation is economically feasible;

(4) That the proposed racetrack's establishment would not be detrimental to the development of a sound [horse] racing program for Missouri;

(5) That any financing of applicant's proposed operations is adequate and comes from a source that is not detrimental to the public interest; [and]

(6) That the applicant has complied with all requisite provisions of law and of rules and regulations promulgated by the commission; **and**

**(7) That the proposed racetrack would be located within a county in which a majority of the voters have approved excursion gambling boats.**

[4.] **5.** If any organization is ineligible to be granted a [racetrack] license because of any of the matters set forth in this section, any other affiliated organization or person that is either controlled, directly or indirectly, by such ineligible organization or person shall also be ineligible.

[5.] **6.** The commission shall only license the number of racetracks and authorize the number of races which it determines to be in the public interest and economically feasible.

**7. Licenses granted by the commission shall be valid until revoked by the commission for cause following proper notice and an opportunity for hearing.**

**8. No public funds or powers of eminent domain shall be used for the purchase, construction, operation, or maintenance of any privately-owned race meeting grounds, nor**



shall any redevelopment plan be adopted pursuant to sections 99.800 to 99.865, RSMo, after January 1, 2002, for tax-increment financing projects that include privately-owned race meeting grounds.

**313.583. 1.** An application to receive a license constitutes a request for a determination of the applicant's general character, integrity, and suitability for licensure. Such determination shall be made by the commission after due investigation of the applicant. The applicant for such license shall file with its application an application fee of fifty thousand dollars. If the cost of the commission's investigation exceeds the total amount of the fee paid by the applicant pursuant to this section, the commission may assess additional fees as it deems appropriate; however, if the applicant is denied a license, the applicant shall be entitled to a refund of the difference between the application fee and the actual costs of the investigation.

**2.** Applications for a license shall be made, processed, and determined using such forms as the commission may require. The application shall fully identify the applicant, include evidence of the financial responsibility of the applicant, describe the names and identification of those who will supervise the wagering, describe the controls and supervision by the licensee and describe the general physical layout of the track and its location.

**3.** In acting on applications for licenses, the commission shall require all applicants to implement a good faith affirmative action effort and to furnish the commission with a description of plans for compliance with all laws pertaining to discrimination, equal employment, and affirmative action; policies regarding recruitment, use and advancement of minorities; policies with respect to minority contracting; a copy of the equal employment opportunity statement and policy of the

applicant dated and signed by the chief executive officer; and a copy of the affirmative action policy and procedures of the applicant dated and signed by the chief executive officer; and identification of the affirmative action officer, including name, title, address, and telephone number.

**313.585. 1.** The commission shall not issue a license to operate to an applicant unless the applicant affirms that it will make a capital investment in its race meeting grounds in Missouri exceeding ten million dollars within the first forty-two months after licensure, and that it will conduct at least:

- (1) Twenty days of live racing in this state within eighteen months following licensure;
- (2) Thirty days of live racing in this state during the next twelve-month period; and
- (3) Fifty days of live racing in this state during each twelve-month period thereafter.

The commission shall only have authority to waive, suspend, or modify the provisions of this section in the event that circumstances beyond the control of the applicant or licensee prevent the applicant or licensee from complying with such requirements.

**2.** In the event that a licensee does not make a capital investment or own and operate a live racetrack that conducts the minimum number of days of live racing in Missouri as set forth in subsection 1 of this section, the commission shall restrict, revoke, suspend, or place on probation the licensee's right to operate until the licensee adequately demonstrates an ability to satisfy the requirements of subsection 1 of this section.

**3.** The commission shall not issue a license to any applicant unless the applicant establishes by clear and convincing evidence that it will timely arrange for the capital investment in its race meeting grounds as set forth in subsection

1 of this section so as to demonstrate a significant financial commitment to the host community.

4. The commission shall not issue a license to any applicant except upon the express condition and representation that the licensee shall not, by any lease, contract, understanding or arrangement of whatever kind or nature, grant, assign, transfer or turn over to any person, corporation, partnership or business, the ownership, operation or management of the track without the prior approval of the commission. Nothing contained in this section prohibits:

(1) The licensee from paying a percentage of the amounts wagered at its race grounds to a track for the right to be part of a common pari-mutuel pool and for the right to receive a simulcast from such racetrack; or

(2) The licensee from paying a percentage of the amounts wagered at its race grounds to an individual, corporation, partnership, or other entity as compensation for the services of a pari-mutuel system.

**313.587. 1. A licensee shall not use a pari-mutuel system unless the system has been approved for use by the commission. The physical location of the system may be in a state other than Missouri. A pari-mutuel wagering system shall:**

**(1) Include a fully redundant computer;**

**(2) Receive, aggregate by pool, and report to a track at regular intervals, all pari-mutuel wagering information received from the licensee;**

**(3) Receive and report to the licensee at regular intervals all wagering data received from the racetrack to the system;**

**(4) After each race on which pari-mutuel wagering is conducted and which is declared official, receive and report to the licensee the**

**results and payoff prices reported by the track; and**

**(5) Provide all accounting and reconciliation reports required by the commission.**

**2. Operators of the pari-mutuel system shall:**

**(1) Be subject to such regulatory supervision as the commission deems appropriate;**

**(2) Put in place and use communication equipment to supplement that used to transmit simulcasts and to facilitate the pari-mutuel wagering system to ensure that the operator is:**

**(a) Able to contact each licensee immediately; and**

**(b) Able at all times to respond immediately to licensee requests for confirmation of information included in the simulcasts or otherwise generated by the pari-mutuel system.**

313.590. A [racetrack licensed under section 313.580] licensee shall post a bond payable to the state of Missouri, before the license is issued, in an amount set by the commission, with sureties to be approved by the commission. The bond shall be used to guarantee that the licensee **satisfies its obligation to maintain all facilities for which it is licensed**, faithfully makes the payments, keeps its books and records and makes reports, and conducts its racing **and wagering** activity in conformity with sections 313.500 to [313.710] **313.720** and the rules adopted by the commission. The bond shall not be canceled or assigned by a surety on less than thirty days' notice in writing to the commission. If a bond is canceled and the licensee fails to file a new bond with the commission in the required amount on or before the effective date of cancellation, the licensee's license shall be revoked. The total and aggregate liability of the surety on the bond is limited to the amount specified in the bond.

313.600. 1. [Whenever any organization has been granted a racetrack license to conduct a horse race meeting,] No officer or director of [such organization] **a licensee**, or person [who will thereby] **proposed to** become [the owner or holder, directly or indirectly, of five percent or more of the shares of stock or certificates or other evidence of ownership] **a stockholder** in such [organization] **licensee**, may become [the owner or holder, directly or indirectly, of any such shares of stock or certificates or other evidence of ownership] **a stockholder** without first having obtained the approval of the commission. The commission may, after hearing, revoke or suspend a [racetrack] license granted to any [organization] **licensee** which shall register on its books in the name of any such officer, director, or person its share of stock or certificate or other evidence of ownership of any interest in the organization without the prior approval of the commission or which shall knowingly permit any such officer, director, or person to be directly or indirectly interested in its share of stock or certificates or other evidences of ownership of any interest in the organization without reporting the same to the commission or which violates any rules or regulations of the commission.

2. Whenever the commission shall give to any officer or director of any [organization] **licensee**, or person [who will thereby] **proposed to** become [the owner or holder, directly or indirectly, of five percent or more of the shares of stock or certificates or other evidences of ownership of any interest in an organization] **a stockholder in a licensee**, its approval to [own or hold the shares of stock or certificates or other evidences of ownership of any interest] **become a stockholder** in any such [organization] **licensee**, it shall, by registered mail, notify the organization of such approval. Under no circumstances shall the commission give such approval to any such officer, director or person who has been convicted of or is under an indictment for a crime involving moral turpitude [or has violated any provisions of the

rating law of any state or any rules or regulations of the commission of any state] **or a felony**.

3. The commission shall require all licensees, including any officers and stockholders thereof, to disclose fully to the commission all financial interests that they may have in horse racing **that are deemed relevant by the commission**.

4. The commission shall require each licensee [under] **pursuant to** this section to maintain records [of owners of stock of the licensee so that the names of all persons, including corporations, trusts, estates, and partnerships, who are the beneficial owners of the stock are disclosed] **its stockholders**, regardless of the manner in which, or whether, the ownership interest is stated or registered on the stock of the licensee. **For purposes of determining stockholders**, beneficial ownership includes, but is not limited to record ownership and:

(1) Stock or other ownership in one or more entities in a chain of parent and subsidiary or affiliated entities, any one of which participates in the capital or profits of a licensee, regardless of the percentage of ownership involved; or

(2) Any interest which entitles a person to benefits substantially equivalent to ownership by reason of any contract, understanding, relationship, agreement, or other arrangement, even though the person is not the record owner. Unless there are special circumstances, securities held by an individual's spouse or relatives, including children, living in the home, are beneficially owned by the individual.

5. In addition to any other action which is necessary to obtain disclosure of [beneficial ownership of stock] **stockholders**, the commission shall require each licensee, at least once every calendar year, to obtain, pursuant to written notice to the [record owners of all stock] **stockholders** of the licensee, an affidavit from each [record owner owning two percent or more] **stockholder**, sworn to under the penalty of perjury, stating to the best

of the affiant's knowledge, information and belief:

(1) Whether any person other than the affiant has any right of beneficial ownership of any kind in the stock held in the name of the affiant;

(2) The name and address of the other person; and

(3) The amount and nature of the ownership.

6. If the licensee receives information indicating that a person other than the record owner has a beneficial ownership interest in stock of the licensee, the licensee shall request promptly by written notice to the other person, that this person submit to the licensee within sixty days from the date of the notice an affidavit, sworn to under the penalty of perjury, stating to the best of the affiant's knowledge, information and belief:

(1) Whether the affiant has any right of ownership in stock of the licensee attributed to the affiant in the notice and the amount and nature of the ownership;

(2) Whether any person other than the affiant and the record owner has any right of ownership of any kind in stock of the licensee attributed to the affiant by the notice to the affiant; and

(3) The amount and nature of the ownership of any other person.

7. Notwithstanding the affidavit requirements of this subsection, the commission may limit the ownership that must be reported in an affidavit to [two] **five** percent or more of the beneficial ownership of the licensee.

8. Each licensee shall submit the ownership records and affidavits required by this section to the commission annually and at the other times required by the commission. Any change in the [record ownership or beneficial ownership of stock] **stockholders** of any licensee shall be reported promptly to the commission. Upon the failure of any licensee to maintain and report records of ownership of stock, as required by this subsection, or the failure of any licensee to make a

reasonable effort to obtain the affidavits required by this subsection, the commission shall suspend or revoke the license of the track for a period determined by the commission.

9. All statements required to be filed with the commission shall be filed under oath and shall be signed by the officers of the corporation, or, if unincorporated, by the owner or all the partners, general and limited, of the licensee.

313.605. 1. [In addition to the provisions of subsection 1 of this section,] No [organization] **entity** shall be granted a [racetrack] license [to hold a race meeting in this state] and the commission may revoke or suspend a [racetrack] license if any public official of the state or his or her spouse, children or parents hold any financial interest, directly or indirectly, in the shares of stock or certificates or other evidences of ownership in [the organization] **such entity or licensee. No entity shall be granted a license and the commission may revoke or suspend a license if any stockholder of a licensee has any financial interest, directly or indirectly, in the ownership of any other gaming activity or gaming business unrelated to horse racing.**

2. No [organization which has been granted a racetrack license to hold a race meeting] **licensee** shall give to any public official or his or her spouse, children or parents, directly or indirectly, for or without consideration any interest in shares of stock or certificates or other evidences of ownership [in the organization]. The commission shall, after hearing, revoke the [racetrack] license granted to [an organization] **any entity** which has violated this subsection.

313.610. Any [organization] **entity** conducting a horse race [or race meeting] at which pari-mutuel wagering is conducted without a valid license issued pursuant to sections 262.260 to 262.270, RSMo, and 313.500 to [313.710] **313.720** shall upon conviction be guilty of a class B felony.

313.620. 1. The commission shall prescribe by

rule the amount and frequency of [application fees and] per day licensing fees for racetracks where pari-mutuel wagering is permitted.

2. The commission may prescribe by rule license fees for race [meets] **meetings** with respect to which pari-mutuel wagering is conducted.

3. All funds received from application fees, per day licensing fees and other licensing fees shall be **collected by the commission and transmitted to the department of revenue to be deposited in the [state treasury to the credit of the general revenue fund, and shall not be transferred except by appropriation as provided by the constitution and laws enacted pursuant thereto] Missouri horse racing fund.**

313.630. **1. Each licensee shall pay to the commission an admission fee of three dollars for each person entering the race meeting grounds. All revenue received by the commission from the race meeting grounds admission fee shall be deposited in the state treasury by the commission to the credit of the Missouri horse racing fund.**

2. In lieu of any state or local sales tax on the gross receipts from admissions paid by persons attending the races and in lieu of any state or local amusement or entertainment tax, there is hereby imposed on each [organization licensed to conduct horse races under the provisions of sections 313.510 to 313.710] **licensee** a tax equal to ten percent of all moneys received each day from admissions paid by persons attending the [races] **race meeting** for deposit in the [state treasury to the credit of the general revenue fund. The general assembly shall appropriate money from general revenue, up to one-half of the amount credited annually pursuant to this section, to municipalities and counties in the area in which races are conducted to assist the funding of services and facilities required by the conduct of racing in such municipality or county. Any county or municipal racing authority shall be subject to the rules and regulations of the commission] **Missouri horse**

**racing fund.**

313.631. Every [organization licensed to conduct horse races under the provisions of sections 262.260 to 262.270, RSMo, and 313.500 to 313.710] **licensee** shall so keep its books and records as to clearly show the true number of admissions **to its race meeting**, the total amount of money contributed to each pari-mutuel pool on each race [separately] **run at its track, the total amount of money contributed to each pari-mutuel pool on which it accepts wagers**, and the amount of money received daily from admission fees and within thirty days after the conclusion of every [race meeting] **month**, shall submit to the commission a complete accounting of all such receipts and admissions.

[313.632. All contracts and agreements for the payment of money and all salaries, fees and compensation paid by any organization licensed as hereinbefore provided, and all proposed extensions, additions, or improvements to the buildings, stables, improvements or tracks upon property owned or leased by such licensee shall be subject to the approval of the commission.]

313.640. 1. Every individual participating in horse racing, whether as a [racetrack] licensee, holder of any interest in a [racetrack license] **licensee**, association employee, concessionaire contract holder, and owner or general manager of same, concessionaire employee, or racing official, and all other individuals whose duties require them to be present on [association premises] **race meeting grounds** during racing hours, or to regularly visit such premises during racing hours, are required to have an occupation license from the commission authorizing them to be employed on the licensed premises and to practice their business, profession, or skill. The following individuals are not required to obtain an occupation license:

(1) Public officers and public employees engaged in the performance of their official duties;

and

(2) Individuals exempted by the commission.

License applicants shall be required to furnish to the commission a set of fingerprints and a recent photograph and shall be required to be reprinted or rephotographed periodically.

2. Each application for an occupation license shall be on forms prescribed by the commission. Such occupation license, when issued, shall be for a period up to one year, except that the commission in its discretion may grant up to three-year licenses. **An occupational license shall not be granted unless the applicant has, through clear and convincing evidence, demonstrated his or her suitability to be licensed. The commission may reopen occupational licensing hearings at any time.** The application shall be accompanied by a license fee which shall be set by the commission. Each applicant **for an occupational license** shall set forth in the application his **or her** full name and address, and if he **or she** has been issued prior occupation licenses or has been licensed in any other state under any other name, such name, his **or her** age, whether a permit or license issued to him **or her** in any other state has been suspended or revoked and if so whether such suspension or revocation is in effect at the time of the application, and such other information as the commission may require. [The commission shall also determine fees for registration of stable names. Fees collected for registration of stable names shall be deposited in the state treasury to the credit of general revenue and subject to appropriation as provided by law.]

3. The commission may in its discretion refuse an occupation license to any individual:

- (1) Who has been convicted of a crime;
- (2) Who is unqualified to perform the duties required of such applicant;
- (3) Who fails to disclose or states falsely any information called for in the application;
- (4) Who has been found guilty of a violation

of sections 313.500 to [313.710] **313.720** or of the rules and regulations of the commission;

(5) Whose occupation license or permit has been suspended, revoked, or denied for just cause in any state;

(6) Who is a past or present member or participant in organized crime as such membership or participant may be found or determined by the commission;

(7) Who is an illegal alien;

(8) Who is an employee of the commission or any spouse, child, brother, sister, or parent of an employee or member of the commission; or

(9) For any other just cause.

4. The commission may suspend or revoke any occupation license:

(1) For violation of any of the provisions of sections 313.500 to [313.710] **313.720**; or

(2) For violation of any of the rules or regulations of the commission; or

(3) For any cause which, if known to the commission, would have justified the commission in refusing to issue such occupation license; or

(4) For any other just cause.

5. [At least eighty percent of all individuals employed directly at each and every race meeting by an organization licensed to conduct horse racing under sections 313.500 to 313.710 shall be residents of the state of Missouri for a period of ninety days next preceding the date of employment and during the course of employment.

6.] In acting on applications for organization licenses, the commission shall require all applicants to implement a good faith affirmative action effort to recruit, train, and upgrade minorities in all classifications of employment by the applicant. The applicant shall furnish the commission with a description of plans for compliance with all laws pertaining to discrimination, equal employment, and affirmative

action; policies regarding recruitment, use, and advancement of minorities; policies with respect to minority contracting; a copy of Equal Employment Opportunity Statement and Policy of the applicant dated and signed by the chief executive officer; and a copy of Affirmative Action Policy and Procedures dated and signed; and identification of the affirmative action officer, including name, title, address, and telephone number.

313.652. 1. Any [organization licensed by the commission to conduct a horse race meeting] **licensee** may provide places in the race meeting grounds or enclosure and may conduct and supervise therein the pari-mutuel system of wagering by patrons [of] **on** the [horse] races conducted by such organization licensee at such **race meeting or on simulcasts.**

2. No other [place or] method of betting, pool making, wagering, or gambling shall be used or permitted by the [racetrack] licensee. Each [racetrack] licensee shall deduct the following amounts on all **live** races conducted by it: eighteen percent of the regular mutuel pool, twenty percent of the multiple mutuel pool involving two horses, and twenty-five percent of the multiple mutuel pool involving three or more horses. **Simulcasting shall be taxed at the same rate as live racing as provided in sections 313.652 & 313.655.** “Regular mutuel pool” means a separate wagering pool in which an interest is represented by a single ticket evidencing a single wager on one horse. “Multiple mutuel pool” means a separate wagering pool in which an interest is represented by a single wager on two or more horses. For the first one hundred million dollars of the total pari-mutuel pool for [the licensed race meeting] **live races**, each racetrack licensee shall apply the amounts deducted as follows:

(1) One percent of the regular mutuel pools, one and one-quarter percent of the multiple mutuel pools involving two horses, and one and one-half percent of the multiple mutuel pools involving three or more horses shall be paid to the

commission;

(2) Eight percent of the regular mutuel pools, eight and three-quarters percent of the multiple mutuel pools involving two horses, and eleven percent of the multiple mutuel pools involving three or more horses shall be allocated for purse money. The formula for distribution of the purse money shall be determined by an agreement between an organization representing **a majority of** the horsemen and the tracks, the agreement to be subject to the approval of the commission;

(3) One-half of one percent of the regular mutuel pools, three-quarters of one percent of the multiple mutuel pools involving two horses, and one percent of the multiple mutuel pools involving three or more horses shall be [used for breeder incentives. The method of payment and distribution of breeder incentives shall be set forth by the commission in rules] **paid to the Missouri breeders fund;**

(4) Eight and one-half percent of the regular mutuel pools, nine and one-quarter percent of the multiple mutuel pools involving two horses, and eleven and one-half percent of the multiple mutuel pools involving three or more horses shall be retained by the licensee.

3. For the next fifty million dollars of the total pari-mutuel pool for the [licensed race meeting] **live races in the twelve-month period**, each racetrack licensee shall apply the amount deducted as follows:

(1) Two percent of the regular mutuel pools, two percent of the multiple mutuel pools involving two horses, and two percent of the multiple mutuel pools involving three or more horses shall be paid to the commission;

(2) Seven and one-half percent of the regular mutuel pools, eight and one-half percent of the multiple mutuel pools involving two horses, and ten and one-half percent of the multiple mutuel pools involving three or more horses shall be allocated for purse money. The formula for

distribution of the purse money shall be determined by an agreement between an organization representing the horsemen and the tracks, the agreement to be subject to the approval of the commission;

(3) One-half of one percent of the regular mutuel pools, three-quarters of one percent of the multiple mutuel pools involving two horses, and one percent of the multiple mutuel pools involving three or more horses shall be [used for breeder incentives. The method of payment and distribution of breeder incentives shall be set forth by the commission in rules] **paid to the Missouri breeders fund**;

(4) Eight percent of the regular mutuel pools, eight and three-quarters percent of the multiple mutuel pools involving two horses, and eleven and one-half percent of the multiple mutuel pools involving three or more horses shall be retained by the licensee.

4. For all amounts of the total pari-mutuel pool for the [licensed race meeting] **live races in the twelve-month period** in excess of one hundred fifty million dollars, each racetrack licensee shall apply the amount deducted as follows:

(1) Four percent of the regular mutuel pools, four percent of the multiple mutuel pools involving two horses, and four percent of the multiple mutuel pools involving three or more horses shall be paid to the commission;

(2) Six and one-half percent of the regular mutuel pools, seven and one-quarter percent of the multiple mutuel pools involving two horses, and nine and one-half percent of the multiple mutuel pools involving three or more horses shall be allocated for purse money. The formula for distribution of the purse money shall be determined by an agreement between an organization representing the horsemen and the tracks, the agreement to be subject to the approval of the commission;

(3) One-half of one percent of the regular

mutuel pools, three-quarters of one percent of the multiple mutuel pools involving two horses, and one percent of the multiple mutuel pools involving three or more horses shall be [used for breeder incentives. The method of payment and distribution of breeder incentives shall be set forth by the commission in rules] **paid to the Missouri breeders fund**;

(4) Seven percent of the regular mutuel pools, eight percent of the multiple mutuel pools involving two horses, and ten and one-half percent of the multiple mutuel pools involving three or more horses shall be retained by the licensee.

5. Each [racetrack] licensee shall pay to the commission, within three days after each day of racing, a tax at the rate specified in this section on the total amount of money wagered on all races that day. The payment of the tax shall be accompanied by a statement of the [racetrack] licensee, or his **or her** duly authorized agent under oath, showing the amount of money wagered that day.

6. Breakage paid in the Missouri horse racing fund shall not be specially allocated for purse money for special races, for breeder and owner awards and for horse racing development; however, breakage may be used for these purposes.

7. Unclaimed winnings paid into the Missouri horse racing fund shall not be specially allocated for purse money for special races, for breeder and owner awards and for horse racing development; however, unclaimed winnings may be used for these purposes.

[8. All moneys provided for breeder incentives shall not lapse and interest earned on such moneys shall be credited the account. The provisions of section 33.080, RSMo, to the contrary notwithstanding, these funds shall not be transferred and placed to the credit of the general revenue fund at the end of each biennium.]

313.655. 1. [An organization licensed to conduct racing in this state, with the approval of



the commission.] **Any licensee** may contract to conduct pari-mutuel wagering on a simulcast of horse races held at racetracks in this state or other states or countries where the conduct of racing and wagering is permitted by law.

2. Any wagering made under this section shall take place within the confines of the licensee's [racetrack] **race meeting grounds** pursuant to rules promulgated by the commission. [The licensed racetrack may simulcast up to, but not more than the number of days in which it conducts live racing.] **A licensee may conduct pari-mutuel wagering on simulcasts with no limit on the number or frequency of such simulcasts at locations within its race meeting grounds.**

3. Computation of the total takeout and breakage for wagering made under this section shall be the same as that normally applicable to racing conducted by the [licensee] **racetrack at which the races in question are held, as determined by the commission.**

4. After deducting from the takeout the applicable tax of this state on the entire **portion of the pari-mutuel pool originating within the confines of the licensee's race meeting grounds,** the amount to be paid under the terms of the contract to the racetrack from which the race or races will be simulcast, and the cost of transmission, the remainder shall be allocated in the same proportions as normally applicable to racing conducted by the licensee.

5. The terms and conditions of any contract [with a racetrack] **for simulcasting from race meeting grounds** made [under] **pursuant to** this section are subject to the approval of the respective groups which represent a majority of the horsemen racing at the track licensed by the commission [and a majority of the applicable breeders in this state].

[6.] The provisions of the Federal Interstate [Horseracing] **Horse Racing Act of 1978, Title 15, Sections 3001 [through] to 3007, [U.S. Code] U.S.C., as amended,** shall be instructive regarding

the intent of this [section] **subsection.**

**6. A licensee may contract with a race track or off-track betting system in another jurisdiction outside Missouri so that the licensee's live races are the subject of simulcasting outside this state. Pari-mutuel wagering on the licensee's live races is permitted when approved by the licensee and conducted in accordance with the Interstate Horse Racing Act of 1978, Title 15, Section 3001 to 3007, U.S.C. as amended. The revenue that a licensee receives from such simulcast wagering shall be retained by the licensee, subject to a deduction of that amount allocated to purse money as determined by an agreement between the licensee and the organization that represents a majority of the horsemen racing at the track.**

313.660. 1. No individual shall for a fee, directly or indirectly, accept anything of value to be wagered or to be transmitted or delivered for wager in any pari-mutuel system of wagering on [horse] racing or for a fee deliver anything of value which has been received outside of the [enclosure of a racetrack holding a horse race licensed under sections 313.500 to 313.710 to be placed as wagers in the pari-mutual pool within such enclosure.

2.] **race meeting grounds licensed pursuant to sections 313.500 to 313.720.** Any individual violating the provisions of this section shall upon conviction be guilty of a class C felony.

2. **A person is guilty of a class A misdemeanor for any of the following:**

(1) **Operating pari-mutuel wagering without a license issued by the commission; or**

(2) **Operating pari-mutuel wagering where wagering is permitted other than in the manner specified by sections 313.500 to 313.720.**

313.662. **A licensee shall allow patrons to cash an outstanding pari-mutuel ticket for a given race up to one hundred eighty days from the date on which said race is made official. Tickets which are not redeemed within such**

**time become valueless and the sum of money represented by such tickets, including breakage, accrue to the licensee.**

313.670. 1. No [racetrack] licensee shall knowingly permit any individual under the age of eighteen years unless accompanied by a parent or guardian over the age of eighteen to be admitted to any pari-mutual wagering area during a race meeting, nor shall any [racetrack] licensee knowingly permit any person under the age of eighteen years to wager on any [horse] race conducted by the [organization] licensee.

2. No individual under the age of eighteen years shall knowingly make or attempt to make any wager on any horse race subject to the provisions of sections 262.260 to 262.270, RSMo, and 313.500 to [313.710] **313.720**.

3. Any individual who violates this section shall upon conviction be guilty of a class A misdemeanor.

[313.710. A program to encourage and award the owners and breeders of Missouri-bred horses that win horse races in this state may be established by rules and regulations promulgated by the commission.]

313.720. 1. There is hereby created a “Missouri Breeders Fund”, which shall not represent revenue collected and moneys received by the state. **The fund shall be used to establish a program to encourage and reward the owners and breeders of Missouri-bred horses that win races in this state. Such a program may be established by rules and regulations promulgated by the commission. The program shall include a “Missouri-Bred” event within two years of the first race held and such event will be held at least five times each calendar year or such greater number as prescribed by the commission.**

2. The fund shall consist of those funds set aside for breeder incentives as provided in [section

313.710] **sections 313.500 to 313.720**, such registration fees for the owners and breeders of Missouri-bred horses as the commission may provide by rule, such gifts, or bequests as the fund may from time to time receive and such funds as the general assembly may provide. [Any gift or bequest shall be credited to such account as the donor or devisee may provide. If no specific account is provided by the donor or designee, such gift or bequest shall be divided equally among the three accounts.]

3. The Missouri breeders fund shall be administered by the commission, with the advice and assistance of advisory committees designated for that purpose by the rules of the commission. The commission shall, at least biennially, carry out such audits as provided by rule. The costs of administration shall be borne by the fund. The commission shall have authority to promulgate such rules as may be necessary or desirable for the efficient operation of the Missouri breeders fund and to provide incentives for breeders and owners of Missouri-bred horses.

4. The Missouri breeders fund shall not lapse and the interest earned on such fund shall be credited to the fund. The provisions of section 33.080, RSMo, to the contrary notwithstanding, funds in the Missouri breeders fund shall not be transferred and placed to the credit of the general revenue fund at the end of each biennium.

**Section 1. The district shall award at least twenty-five percent of the aggregate dollar amount of all contracts to provide goods and services to the commission to minority business enterprises as defined by the office of administration. No contract awarded or entered into by the director may be assigned by the holder thereof except by specific approval of the commission. Any contract awarded to any horse race commission contractor or vendor shall provide that such contractor or vendor shall award a minimum of twenty-five percent of subcontracted business to minority business**

**enterprises as defined by the office of administration.”; and**

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

HOUSE AMENDMENT NO. 2 TO

PART II

Amend Part II of House Substitute for Senate Bill No. 1220, by inserting on Page 10 after Line 22 the following:

**“313.232. 1. After August 28, 2002, the commission shall not implement or operate any keno game unless it is authorized to do so pursuant to statutory authority or approval by the voters of this state.**

**2. For the purposes of this section, “keno” shall mean a game of chance where each player is given one or more sheets that have a panel of numbers from which the player chooses certain numbers by marking his or her selections and placing a bet with a clerk who verifies the numbers the player has chosen. A certain amount of numbers are then chosen at random by the person or persons running the keno game and a player wins by matching his or her selected numbers with the numbers that have been chosen at random. A player is paid according to a schedule of payment provided by the person or persons who are running the game. A keno game may also use video or electronic equipment. Keno shall not include the game of bingo as defined in section 313.005.”; and**

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

HOUSE AMENDMENT NO. 1 TO

PART IV

Amend Part IV of House Substitute for Senate Bill No. 1220, by placing the following in the appropriate position:

**“313.820. 1. An excursion boat licensee shall**

**pay to the commission an admission fee of two dollars for each person embarking on an excursion gambling boat with a ticket of admission. One dollar of such fee shall be deposited to the credit of the gaming commission fund as authorized pursuant to section 313.835, and one dollar of such fee shall not be considered state funds and shall be paid to the home dock city or county for ten years after the excursion boat has first admitted persons for gambling. After ten years from the date when the excursion boat begins admitting persons for gambling, fifty cents of such fee shall not be considered state funds and shall be paid to the home dock city or county, and fifty cents shall be paid to trust funds created for law enforcement and fire protection with twenty-five cents going to the trust fund for law enforcement and twenty-five cents going to the trust fund for fire protection. The director of the department of public safety is responsible for the administrative duties of the law enforcement and fire protection trust funds. The director shall use the money deposited in these funds solely for funding the equipment and salary needs of law enforcement and fire departments within the state. Subject to appropriation, one cent of such fee deposited to the credit of the gaming commission fund may be deposited to the credit of the compulsive gamblers fund created pursuant to the provisions of section 313.842. Nothing in this section shall preclude any licensee from charging any amount deemed necessary for a ticket of admission to any person embarking on an excursion gambling boat. If tickets are issued which are good for more than one excursion, the admission fee shall be paid to the commission for each person using the ticket on each excursion that the ticket is used. If free passes or complimentary admission tickets are issued, the excursion boat licensee shall pay to the commission the same fee upon these passes or complimentary tickets as if they were sold at the regular and usual admission rate; however, the excursion boat licensee may issue fee-free passes**

to actual and necessary officials and employees of the licensee or other persons actually working on the excursion gambling boat. The issuance of fee-free passes is subject to the rules of the commission, and a list of all persons to whom the fee-free passes are issued shall be filed with the commission.

2. All licensees are subject to all income taxes, sales taxes, earnings taxes, use taxes, property taxes or any other tax or fee now or hereafter lawfully levied by any political subdivision; however, no other license tax, permit tax, occupation tax, excursion fee, or taxes or fees shall be imposed, levied or assessed exclusively upon licensees by a political subdivision. All state taxes not connected directly to gambling games shall be collected by the department of revenue. Notwithstanding the provisions of section 32.057, RSMo, to the contrary, the department of revenue may furnish and the commission may receive tax information to determine if applicants or licensees are complying with the tax laws of this state; however, any tax information acquired by the commission shall not become public record and shall be used exclusively for commission business.”; and

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SCS** for **SB 959**.

Emergency clause adopted.

Bill ordered enrolled.

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 **SS**

for **SB 1248**, entitled:

An Act to repeal sections 143.225, 143.431, 143.451, 143.811, 144.190, 313.820, and 313.822, RSMo, and to enact in lieu thereof eleven new sections relating to certain funds for public elementary and secondary education, with an emergency clause.

Emergency clause defeated.

With House Amendment No. 2.

#### HOUSE AMENDMENT NO. 2

Amend House Substitute for House Committee Substitute for Senate Substitute for Senate Bill No. 1248, Page 30, Section 144.190, Line 13, by inserting after said line the following:

**“7. In lieu of subsection 3 of this section, if any tax was paid more than once, was incorrectly collected, or was incorrectly computed, such sum shall be credited on any taxes then due from the person legally obligated to remit the tax pursuant to sections 144.010 to 144.510, or refunded, with interest as determined by section 32.065, RSMo, to the person legally obligated to remit the tax, only if duplicate copies of a claim for refund are filed within three years from date of overpayment and the person legally obligated to remit the tax submits a plan between the person and the director to generally refund the amount of overpayment in equal installments to future customers of the person by mutually agreed to distribution of a fixed value coupon to such customers.”.**

In which the concurrence of the Senate is respectfully requested.

#### PRIVILEGED MOTIONS

Senator Gibbons moved that the Senate refuse to recede from its position on **SCS** for **HB 2120** and grant the House a conference thereon, which motion prevailed.

### SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 1279, SB 1162** and **SB 1164**, with **SCS, SS No. 2** for **SCS** and **SA 18** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 18** was again taken up.

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

Senator Steelman offered **SA 19**:

#### SENATE AMENDMENT NO. 19

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 67, Section 253.559, Line 17, by inserting after all of said line the following:

“Section B. This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2002, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.”; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Kinder offered **SSA 1** for **SA 19**, which was read:

#### SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 19

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 67, Section 253.559, Line 17, by inserting immediately following said line the following:

“**Section 1. All construction projects not owned by the state receiving greater than one million dollars of state revenue by appropriation over the prescribed term of the project shall be submitted for approval of the voters of this state prior to any appropriation from the state for such project being authorized.**”; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above substitute amendment be adopted.

President Maxwell assumed the Chair.

Senator Steelman raised the point of order that **SSA 1** for **SA 19** is out of order as it is not a true substitute amendment.

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

At the request of Senator Kinder, **SSA 1** for **SA 19** was withdrawn, rendering the point of order moot.

**SA 19** was again taken up.

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

Senator Gibbons offered **SA 20**:

#### SENATE AMENDMENT NO. 20

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 32, Section 67.2033, Line 17, by inserting after all of said line the following:

“5. In no event shall an appropriation be made pursuant to the provisions of subsection 3 of this section unless a lease has been entered into which complies with the provisions of subsection 2 of section 67.2054.”; and

Further amend said bill, page 37, section 67.2054, lines 24-28, by deleting all of said lines and inserting in lieu thereof the following: “portion of the profits upon the transfer of assets of the team

by any method at any time during the thirty year period of the state's participation pursuant to section 67.2033 and the state's share of which shall be a minimum of twelve percent of any profit on a transfer. Said percentage shall apply to a transfer to a third party by an individual owner proportionate to that owner's share of the ownership. A third party, for the purposes of this subsection, is a person other than the current ownership. The attorney general shall review the agreement between the participants and shall review the terms of any transfer to insure compliance with this section."

Senator Gibbons moved that the above amendment be adopted.

Senator Schneider offered SA 1 to SA 20, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 20

Amend Senate Amendment No. 20 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Lines 12 and 13, by deleting the words: "assets of" and inserting in lieu the words: "the owner's ownership interest in".

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

SA 20, as amended, was again taken up.

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

Senator Gibbons offered SA 21:

SENATE AMENDMENT NO. 21

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 38, Section 67.2054, Lines 20-29 of said page, by striking all of said lines and inserting in lieu thereof the following:

**"4. The team shall provide to the public participants guarantees or other assurances or undertakings satisfactory to them as to the**

**commencement, acquisition, construction, or equipping of the mixed-use facilities, which shall include at a minimum the following:**

**(1) Approximately one-half of the real property within the sports center redevelopment area which is not used for the stadium and is allocated for mixed-use facilities shall be developed and substantially completed by April 1, 2011. In the event such facilities are not substantially completed by April 1, 2011, the team shall pay aggregate penalties in an amount of one hundred million dollars which penalties shall be payable with at least thirty-five million dollars payable on April 1, 2011, and the balance payable over the anticipated term of any obligations and in the manner and on the terms and within such times as are prescribed in the sports center redevelopment plan; and**

**(2) The remaining real property within the sports center redevelopment area which is not used for the stadium and is allocated for mixed-use facilities shall be developed and substantially completed by April 1, 2014. In the event such facilities are not substantially completed by April 1, 2014, the team shall transfer, convey or cause the conveyance to the public participants good and marketable title to the real property within the sports center redevelopment area which is not used for the stadium and is allocated for mixed-use facilities."**

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

Senator Gross offered SA 22, which was read:

SENATE AMENDMENT NO. 22

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 37, Section 67.2054, Line 12, by deleting said line and insert in lieu thereof the following: **"tickets per year to Missouri youth and other Missouri charitable organizations;"**.

Senator Gross moved that the above

amendment be adopted, which motion prevailed.

Senator Childers assumed the Chair.

Senator Steelman offered **SA 23**:

SENATE AMENDMENT NO. 23

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 37, Section 67.2054, Line 21 of said page, by inserting after “lease” the following: “, **however no moneys from the sale of naming rights shall be used, directly or indirectly, for such operations or maintenance expenses, during the term of the lease**”.

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

Senator Rohrbach offered **SA 24**, which was read:

SENATE AMENDMENT NO. 24

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Pages 42-46, Section 67.2150, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Rohrbach moved that the above amendment be adopted.

A quorum was established by the following vote:

Present—Senators

Bland	Caskey	Cauthorn	Childers
Coleman	Dougherty	Foster	Gibbons
Gross	House	Jacob	Johnson
Kennedy	Kenney	Kinder	Klarich
Klindt	Loudon	Quick	Rohrbach
Russell	Sims	Staples	Stoll
Westfall	Wiggins	Yeckel—27	

Absent—Senators

Bentley	Goode	Mathewson	Schneider
Singleton	Stelman—6		

Absent with leave—Senator DePasco—1

Senator Staples requested unanimous consent of the Senate to suspend the rules and allow the rear gallery to be considered part of the Senate Chamber for the purposes of establishing a quorum for the next 15 minutes, which request was granted.

**SA 24** was again taken up.

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

Senator Rohrbach assumed the Chair.

Senator Steelman offered **SA 25**:

SENATE AMENDMENT NO. 25

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 31, Section 67.2033, Line 12 of said page, by striking the following: “on the date of the”; and further amend lines 13-29 of said page, by striking all of said lines; and

Further amend said bill, Page 32, Section 67.2033, Lines 1-6 of said page, by striking all of said lines; and further amend line 7 of said page, by striking the following: “for tax exempt financing.”; and

Further amend said bill, Page 39, Section 67.2054, Line 22 of said page, by inserting after all of said line the following:

**“9. Notwithstanding any other provision of law to the contrary, the naming rights of the stadiums shall be the sole and total property of the authority. The team and the ownership of said team have no interest in said naming rights. All proceeds received from the naming of said stadium shall be deposited in the state naming rights fund or paid to the state of Missouri as general revenue. On the date of the issuance of the bonds, the maximum amount of revenue received from naming rights for the stadium, subject to the limitations of the internal revenue code for tax exempt financing shall be deposited in the state naming rights fund. Any grant**

above that amount shall be paid to the state of Missouri. Available amounts through the state naming rights fund shall be drawn upon by the state in the event that the cumulative new state revenues from the sports center redevelopment area, measured initially five years following the issuance of the bonds and at five-year intervals thereafter and taking into account any prior payments to the state are less than the cumulative annual appropriations for the applicable period made by the state for the debt service on the bonds. Any amounts above the maximum amount allowable to reimburse the state, subject to the limitations of the internal revenue codes for tax exempt financing, and to the reimbursement of the state for any deficiency in the new state revenues are excess amounts in the state naming rights fund, as determined by the state, and shall be transferred to the school building revolving fund pursuant to section 166.300, RSMo. In the event that the state naming rights fund shall be drawn upon for reimbursement of the state for any deficiency in the new state revenues, then the amount in the state naming rights fund shall be restored by the team in the amount required by the state to the extent of any additional revenues from naming rights, subject to the limitations of the internal revenue codes for the tax exempt financing.”.

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

Senator Schneider offered SA 26:

SENATE AMENDMENT NO. 26

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 32, Section 67.2033, Line 17 of said page, by inserting after all of said line the following:

**“5. Beginning in July of the eighth calendar year after adoption of the resolution or declaration approving the need for a sports**

**center redevelopment authority, in the event a deficiency exists for any year in which the state has provided an annual appropriation for purposes of providing debt service pursuant to this subsection, the auditor shall notify the commissioner of administration and the team and any deficiency resulting in insufficient appropriations for purposes of providing debt service pursuant to this subsection shall be paid by the team to the state for reimbursement of the deficit. No provision of this section shall be deemed to relieve the state of any obligations arising due to the issuance of bonds pursuant to sections 67.2000 to 67.2060.”.**

Senator Schneider moved that the above amendment be adopted.

Senator Gross assumed the Chair.

Senator Goode offered SA 1 to SA 26:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 26

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 1, Section 67.2033, Line 13 of the amendment, by inserting immediately after the word “**team**” the following: “as defined in section 67.2054”; and further amend said bill, page 4, section 67.642, line 13, by inserting after all of said line the following:

“6. Beginning July 1, 2006, in the event a deficiency exists for any year in which the state has provided an annual appropriation pursuant to this section, the auditor shall notify the commissioner of administration and any team subject to a lease pursuant to this section and any deficiency resulting in insufficient appropriations for purposes of providing debt service pursuant to this subsection shall be paid by the team or teams subject to such lease. For the purpose of this section a “deficiency” shall mean the extent to which the cumulative annual appropriations pursuant to this section exceed the new state revenues, as defined in section 99.845, RSMo,



generated by real property owned by the Jackson County Sports Complex Authority created pursuant to sections 64.920 to 64.950, RSMo.”.

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

Senator Singleton assumed the Chair.

**SA 26** was again taken up.

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

Senator Gross offered **SA 27**:

SENATE AMENDMENT NO. 27

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 62, Section 99.845, Line 14 of said page, by inserting after all of said line the following:

**“16. This section shall apply to a municipality's redevelopment plans and projects in redevelopment areas consisting of or containing residential and multifamily properties only upon approval of the tax increment allocation financing proposal by the school board or boards of the school district or districts in which the residential or multifamily properties are located.”.**

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

Senator Klarich assumed the Chair.

Senator Steelman offered **SA 28**, which was read:

SENATE AMENDMENT NO. 28

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 39, Section 67.2054, Line 22 of said page, by inserting immediately after said line the following:

**“9. In the event of a strike, the team shall be responsible for paying any bond obligation of the state arising pursuant to section 67.2033,**

**RSMo, in proportion to the portion of the year during which the strike was in effect.”.**

Senator Rohrbach assumed the Chair.

Senator Steelman moved that the above amendment be adopted.

At the request of Senator Steelman, **SA 28** was withdrawn.

Senator Schneider offered **SA 29**:

SENATE AMENDMENT NO. 29

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 30, Section 67.2033, Line 29, by inserting after the number “3.” the following: **“An excursion boat licensee shall pay fifty cents for each person disembarking from an excursion gambling boat whether or not such person engages in gambling activities. Such amount shall not be collected after thirty years following the date of the issuance of the bonds authorized by section 67.2003. This money shall be for the purpose of reimbursing the state for all appropriations made pursuant to this act.”.**

Senator Schneider moved that the above amendment be adopted.

Senator Mathewson raised the point of order that **SA 29** is out of order in that it exceeds the scope of the bill.

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

Senator Singleton offered **SA 30**:

SENATE AMENDMENT NO. 30

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 2, Section 67.642, Line 17, by deleting “African American” and inserting “**Multi-cultural**”; and

Further delete on line 20 “African American” and inserting “**Multi-cultural**”.

Senator Singleton moved that the above

amendment be adopted, which motion failed on a standing division vote.

Senator Gross offered **SA 31**:

SENATE AMENDMENT NO. 31

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 20, Section 67.2018, Line 11, by inserting after the word “bonds” the following “provided that, no contribution of real property by a major league sports franchise to a sports center redevelopment authority for purposes of a sports center redevelopment project shall be allowed as a deduction on such major league franchise’s state tax return pursuant to Chapter 143, RSMo”.

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

Senator Childers assumed the Chair.

President Maxwell assumed the Chair.

Senator Steelman offered **SA 32**:

SENATE AMENDMENT NO. 32

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 39, Section 67.2054, Line 22 of said page, by inserting immediately after said line the following:

**“9. In the event of a strike or a lockout, the team shall reimburse the state for any deficiency in the amount of revenue necessary to meet the requirements of any bond obligation of the state arising pursuant to section 67.2033, RSMo, in proportion to the portion of the year during which the strike was in effect.”**

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

Senator Rohrbach offered **SA 33**:

SENATE AMENDMENT NO. 33

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 7, Section 67.2003, Line 14,

by inserting immediately after “(a)” the following: “Thirty-eight and one-half percent of” and further amend said page and section, line 29, by inserting immediately after “(b)” the following: “Fifty percent of”.

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

Senator Bentley offered **SA 34**:

SENATE AMENDMENT NO. 34

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 62, Section 99.845, Line 14 of said page, by inserting after all of said line the following:

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

(1) “Nonresident entertainer”, a person residing or registered as a corporation outside this state who, for compensation, performs any vocal, instrumental, musical, comedy, dramatic, dance or other performance in this state before a live audience and any other person traveling with and performing services on behalf of a nonresident entertainer, including a nonresident entertainer who is paid compensation for providing entertainment as an independent contractor, a partnership that is paid compensation for entertainment provided by nonresident entertainers, a corporation that is paid compensation for entertainment provided by nonresident entertainers, or any other entity that is paid compensation for entertainment provided by nonresident entertainers;

(2) “Nonresident member of a professional athletic team”, a member of a professional athletic team residing outside this state, including any active player, any player on the disabled list if such player is in uniform on the day of the game at the site of the game, and any other person traveling with and performing services on behalf of a professional athletic team;

(3) “Personal service income” includes

exhibition and regular season salaries and wages, guaranteed payments, strike benefits, deferred payments, severance pay, bonuses, and any other type of compensation paid to the nonresident entertainer or nonresident member of a professional athletic team, but does not include prizes, bonuses or incentive money received from competition in a livestock, equine or rodeo performance, exhibition or show;

(4) "Professional athletic team" includes, but is not limited to, any professional baseball, basketball, football, soccer and hockey team.

2. Any person or entity who pays compensation to a nonresident entertainer shall deduct and withhold from such compensation as a prepayment of tax, an amount equal to two percent of the total compensation paid to the nonresident entertainer.

3. Any person or entity required to deduct and withhold tax pursuant to subsection 2 of this section, shall, for each calendar quarter, on or before the last day of the month following the close of such calendar quarter, remit the taxes withheld in such form or return as prescribed by the director of revenue and pay over to the director of revenue or to a depository designated by the director of revenue the taxes so required to be deducted and withheld.

4. Notwithstanding other provisions of this chapter to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but none after December 31, 2008, shall annually estimate the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of nine years, sixty percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri arts council trust fund, and shall be transferred, subject to

appropriation, from the general revenue fund to the Missouri arts council trust fund established in section 185.100, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year. Notwithstanding other provisions of this section, the Missouri arts council shall not be appropriated more than ten million dollars in any fiscal year. The director shall by rule establish the method of determining the portion of personal service income of such persons that is allocable to Missouri.

5. Notwithstanding the provisions of sections 186.050 to 186.067, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2008, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of nine years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri humanities council trust fund, and shall be transferred, subject to appropriation, from the general revenue fund to the Missouri humanities council trust fund established in section 186.055, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

6. Notwithstanding other provisions of section 182.812, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2008, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of nine years, ten percent of the annual estimate of taxes generated from the nonresident entertainer

and professional athletic team income tax shall be allocated annually to the Missouri state library networking fund, and shall be transferred, subject to appropriation, from the general revenue fund to the secretary of state for distribution to public libraries for acquisition of library materials as established in section 182.812, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

7. Notwithstanding other provisions of section 37.200, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2008, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of nine years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri public television broadcasting corporation special fund, and shall be transferred, subject to appropriation, from the general revenue fund to the Missouri public television broadcasting corporation special fund established in section 37.200, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year; provided, however, that twenty-five percent of such allocation shall be used for grants to public radio stations which were qualified by the corporation for public broadcasting as of November 1, 1996. Such grants shall be distributed to each of such public radio stations in this state after receipt of the station's certification of operating and programming expenses for the prior fiscal year. Certification shall consist of the most recent fiscal year financial statement submitted by a station to the corporation for public broadcasting. The grants shall be divided into two categories, an annual basic service grant and an operating grant. The basic service grant shall be equal to thirty-five

percent of the total amount and shall be divided equally among the public radio stations receiving grants. The remaining amount shall be distributed as an operating grant to the stations on the basis of the proportion that the total operating expenses of the individual station in the prior fiscal year bears to the aggregate total of operating expenses for the same fiscal year for all Missouri public radio stations which are receiving grants.

8. Notwithstanding other provisions of section 253.402, RSMo, to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2008, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of nine years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the Missouri department of natural resources Missouri historic preservation revolving fund, and shall be transferred, subject to appropriation, from the general revenue fund to the Missouri department of natural resources Missouri historic preservation revolving fund established in section 253.402, RSMo, and any amount transferred shall be in addition to such agency's budget base for each fiscal year. As authorized pursuant to subsection 2 of section 30.953, RSMo, it is the intention and desire of the general assembly that the state treasurer convey, to the Missouri investment trust on January 1, 1999, up to one hundred percent of the balances of the Missouri arts council trust fund established pursuant to section 185.100, RSMo, and the Missouri humanities council trust fund established pursuant to section 186.055, RSMo. The funds shall be reconveyed to the state treasurer by the investment trust as follows: the Missouri arts council trust fund, on January 2, 2009; and the Missouri humanities council trust fund, on January

2, 2009.

**9. In no event shall a nonresident entertainer or nonresident member of a professional athletic team be deemed to be exempt from the provisions of this section as a result of employment by any entity organized pursuant to the laws of this state or doing business in this state.”; and**

Further amend the title and enacting clause accordingly.

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

Senator Singleton offered **SA 35**:

SENATE AMENDMENT NO. 35

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 67, Section 253.559, Line 17 of said page, by inserting after all of said line the following:

“Section B. The provisions of section 1.140, RSMo, to the contrary notwithstanding, the provisions of sections 67.642, 67.2000, 67.2003, 67.2006, 67.2009, 67.2012, 67.2015, 67.2018, 67.2021, 67.2024, 67.2027, 67.2030, 67.2033, 67.2036, 67.2039, 67.2042, 67.2045, 67.2048, 67.2051, 67.2054, 67.2057, 67.2060, 67.2076, 67.2150, 99.845, 172.273 and 253.559 of this act are nonseverable and if one is found invalid or unconstitutional, the others are also void.”; and

Further amend the title and enacting clause accordingly.

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

Senator Steelman offered **SA 36**:

SENATE AMENDMENT NO. 36

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 67, Section 253.559, Line 17, by inserting after all of said line the following:

“Section B. This act is hereby submitted to the qualified voters of this state for approval or rejection at an election which is hereby ordered and which shall be held and conducted on Tuesday next following the first Monday in November, 2002, pursuant to the laws and constitutional provisions of this state for the submission of referendum measures by the general assembly, and this act shall become effective when approved by a majority of the votes cast thereon at such election and not otherwise.”; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Mathewson, Rohrbach, Russell and Sims.

**SA 36** failed of adoption by the following vote:

YEAS—Senators

Cauthorn	Goode	Gross	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Singleton	Stelman	Stoll—12

NAYS—Senators

Bentley	Bland	Caskey	Childers
Coleman	Dougherty	Gibbons	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Quick	Sims
Staples	Westfall	Wiggins	Yeckel—20

Absent—Senator Foster—1

Absent with leave—Senator DePasco—1

Senator Schneider offered **SA 37**:

SENATE AMENDMENT NO. 37

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 30, Section 67.2033, Line 29, by inserting after the number “3.” the following: **“An excursion boat licensee shall pay fifty cents for each person disembarking from an**

excursion gambling boat whether or not such person engages in gambling activities. The licensee shall pay the proceeds to the state in quarterly installments. This money shall reimburse the state for all appropriations made pursuant to sections 67.2003, 67.642, and 67.2076.”.

Senator Schneider moved that the above amendment be adopted.

Senator Jacob raised the point of order that SA 37 is out of order as the amendment goes beyond the scope and purpose of the bill by adding new subject matter.

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

A quorum was established by the following vote:

Present—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

Absent with leave—Senator DePasco—1

Senator Schneider offered SA 38:

SENATE AMENDMENT NO. 38

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bills Nos. 1279, 1162 and 1164, Page 67, Section 253.559, Line 17, by inserting immediately after all of said line the following:

“Section 1. In addition to the sales taxes imposed pursuant to chapter 144, RSMo, a tax is hereby levied and imposed on all sellers for the privilege of engaging in the business of selling tangible personal property or rendering taxable service at retail in this state at the rate

of tax of one thirty-second of one percent. The revenues produced by the provisions of this section shall be collected for the purpose of reimbursing the state for the costs of this act.”; and

Further amend the title and enacting clause accordingly.

Senator Schneider moved that the above amendment be adopted.

Senator Goode raised the point of order that SA 38 is out of order as the amendment goes beyond the scope and purpose of the bill by adding a second subject matter.

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

SA 38 was again taken up.

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

SA 38 failed of adoption by the following vote:

YEAS—Senators

Goode	Schneider—2
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NAYS—Senators

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

Absent—Senators—None

Absent with leave—Senator DePasco—1

Senator Kinder moved that SS No. 2 for SCS for SBs 1279, 1162 and 1164, as amended, be adopted.

Senator Steelman requested a roll call vote be taken on the adoption of **SS No. 2** for **SCS** for **SBs 1279, 1162 and 1164**, as amended, and was joined in her request by Senators Kinder, Mathewson, Staples and Wiggins.

**SS No. 2** for **SCS** for **SBs 1279, 1162 and 1164**, as amended, was adopted by the following vote:

## YEAS—Senators

Bentley	Bland	Childers	Coleman
Dougherty	Gibbons	Gross	House
Jacob	Kennedy	Kenney	Kinder
Klarich	Loudon	Quick	Sims
Staples	Wiggins	Yeckel—19	

## NAYS—Senators

Caskey	Cauthorn	Foster	Goode
Johnson	Klindt	Mathewson	Rohrbach
Russell	Schneider	Singleton	Stelman
Stoll	Westfall—14		

Absent—Senators—None

Absent with leave—Senator DePasco—1

On motion of Senator Kinder, **SS No. 2** for **SCS** for **SBs 1279, 1162 and 1164**, 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 Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1105**. Representatives Green (73), Bonner, Wilson (42), Bearden, Legan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to

act with a like committee from the Senate on **SCS** for **HCS** for **HB 1106**. Representatives Green (73), Ransdall, Wilson (42), Bearden, Legan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1107**, as amended. Representatives Green (73), Ransdall, Wilson (42), Bearden, Legan.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **SCS** for **HCS** for **HB 1108**. Representatives Green (73), Kelly (27), Wilson (42), Bearden, Legan.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HB 2120**: Senators Gibbons, Gross, Yeckel, Goode and Kennedy.

Senator Kenney noted the 43rd Wedding Anniversary of Melvin and Pat Propst.

### REFERRALS

President Pro Tem Kinder referred the Gubernatorial Appointment appearing on Page 1110 of today's Journal to the Committee on Gubernatorial Appointments.

### HOUSE BILLS ON SECOND READING

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

**HCS** for **HJR 47**—Commerce and Environment.

**HB 1350**—Local Government and Economic Development.

**HCS** for **HB 1216**—Public Health and Welfare.

**HCS** for **HB 1656**—Judiciary.

**HB 1627**—Local Government and Economic Development.

**HS** for **HCS** for **HB 1650**—Commerce and Environment.

**HS** for **HCS** for **HB 1577, 1760, 1433, 1430, 1029** and **1700**—Judiciary.

**HS** for **HB 1307**—Transportation.

### RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 1661, regarding Chris Ahern, Atlanta, which was adopted.

Senator Westfall offered Senate Resolution No. 1662, regarding Pamella Cryderman, Bolivar, which was adopted.

Senator Westfall offered Senate Resolution No. 1663, regarding Rosemary Frerking, Humansville, which was adopted.

Senator Westfall offered Senate Resolution No. 1664, regarding the Aurora Future Farmers of America, Aurora, which was adopted.

Senator Bland offered Senate Resolution No. 1665, regarding James T. “Jim” Nunnely, MPA, Jackson County, which was adopted.

Senator Bland offered Senate Resolution No. 1666, regarding Jermaine Reed, Kansas City, which was adopted.

### INTRODUCTIONS OF GUESTS

On behalf of Senator Klarich, the President introduced to the Senate, Kristy Bryan and her daughter, Sara, Springfield; and Sara was made an honorary page.

Senator Stoll introduced to the Senate, Kevin Gillespie, Kristy Wiltz and 22 seventh and eighth grade Student Council members from Northwest Valley School, House Springs.

On behalf of Senator Rohrbach and himself, Senator Caskey introduced to the Senate, Alan Breshears, Jefferson City.

Senator Gross introduced to the Senate, seventh grade students from Immanuel Lutheran School, St. Charles.

Senator Gross introduced to the Senate, his daughter, Megan, St. Charles; and Megan was made an honorary page.

Senator Kinder introduced to the Senate, volunteers with the American Red Cross.

Senator Yeckel introduced to the Senate, Kathy Shelton and students from Trautwein School, St. Louis; and Bree Waneach, Jamie Joiner and Josh Posgay were made honorary pages.

Senator Wiggins introduced to the Senate, Shaun Emerson, Kansas City.

Senator Staples introduced to the Senate, students from Southern Reynolds County School, Ellington; and Brittany White and Craig Foster were made honorary pages.

Senator Kennedy introduced to the Senate, Jim and Kristin Majewski, St. Louis.

Senator Gibbons introduced to the Senate, students from Nipher Middle School, Webster Groves.

Senator Gibbons introduced to the Senate, Stacey Deutsch and fourth grade students from Hudson Elementary School, Webster Groves.

On motion of Senator Kenney, the Senate adjourned until 9:30 a.m., Friday, May 3, 2002.



SENATE CALENDAR

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SIXTY-FIFTH DAY—FRIDAY, MAY 3, 2002

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FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1460-Hilgemann	HCS for HB 1120
HCS for HB 1695	HB 1121-Green (73)
HS for HCS for HBs 1729, 1589 & 1435-Barnitz	HCS for HB 1777
HCS for HJR 51	HB 1988-Kelly (144)
HB 1726-Walton, et al	HB 2097-Copenhaver, et al
	HB 2137-Crump

THIRD READING OF SENATE BILLS

SCS for SB 676-Yeckel, et al  
(In Budget Control)

HOUSE BILLS ON THIRD READING

1. HB 1953-Van Zandt, et al,  
with SCS (Singleton)
2. HB 1446-Luetkenhaus,  
with SCS (Kenney)
3. HCS for HB 1888, with  
SCS (Klarich)
4. HBs 1270 & 2032-Gratz,  
with SCS (Westfall)
5. HB 1712-Monaco, et al,  
with SCS (Klarich)
6. HS for HB 1994-Hosmer (Bentley)
7. HCS for HB 1443, with  
SCS (Gibbons)
8. HB 1041-Myers, with SCS (Foster)
9. HB 1600-Treadway  
(Mathewson)
10. HB 2008-O'Connor,  
with SCS (Kenney)
11. HS for HCS for  
HB 1532-Hoppe,  
with SCS (Gross)
12. HB 1348-Myers, et al,  
with SCS (Foster)
13. HB 1402-Burton, et al,  
with SCS (Steelman)
14. HB 2023-Franklin,  
with SCA 1 (Foster)
15. HB 1086-Harlan, with  
SCS (House)
16. HB 1926-Fraser, et al  
(Quick)

## INFORMAL CALENDAR

## THIRD READING OF SENATE BILLS

SCS for SB 954-Loudon

## SENATE BILLS FOR PERFECTION

SBs 641 & 705-Russell, et al,  
with SCS (pending)  
SB 647-Goode, with SCS  
(pending)  
SB 651-Singleton and  
Russell, with SCS  
(pending)  
SB 659-House and Kenney,  
with SS#2, SA 3 and  
SSA 1 for SA 3 (pending)  
SB 660-Westfall, et al,  
with SCS (pending)  
SB 668-Bentley, with SS &  
SA 1 (pending)  
SB 689-Gibbons, et al,  
with SCS  
SB 696-Cauthorn, et al  
SB 735-Steelman and  
Kinder, with SCS  
SBs 766, 1120 & 1121-  
Steelman, with SCS  
SB 832-Schneider, with SCS  
SB 881-Steelman and  
Yeckel, with SCS & SS  
for SCS (pending)  
SB 910-Gibbons  
SB 912-Mathewson, with  
SCS, SS for SCS & SA 4  
(pending)  
SB 926-Kenney, et al,  
with SCS

SB 938-Cauthorn, et al  
SB 971-Klindt, et al, with SCS  
SB 1010-Sims  
SB 1035-Yeckel  
SB 1040-Gibbons, et al,  
with SCS  
SB 1046-Gross and House,  
with SCS (pending)  
SB 1052-Sims, with SCS,  
SS for SCS, SA 1 &  
SA 1 to SA 1 (pending)  
SBs 1063 & 827-Rohrbach  
and Kenney, with SCS, SS  
for SCS & SA 3 (pending)  
SB 1087-Gibbons, et al, with SCS  
SB 1099-Childers, with SCS  
SB 1100-Childers, et al,  
with SS and SA 3 (pending)  
SB 1103-Westfall, et al,  
with SA 2 (pending)  
SB 1105-Loudon  
SB 1111-Quick, with SCS  
SB 1133-Gross, with SCS  
SB 1157-Klindt, with SCS  
SB 1195-Steelman, et al  
SB 1205-Yeckel  
SB 1206-Bentley and Stoll  
SB 1281-Russell and Goode  
SJR 23-Singleton, with SS,  
SA 1 & SSA 1 for SA 1  
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 995-Rohrbach

House Bills

Reported 4/15

HB 1955-Hilgemann, et al, with  
SCS (pending) (Coleman)  
HB 1078-Whorton, et al, with  
SCS (pending) (Mathewson)  
HB 1811-Gambaro, with SCS  
(pending) (Dougherty)  
HB 1085-Mays (50) (Quick)  
HB 1781-Green (73) and  
Ladd Baker (Russell)  
HB 1783-Lowe, et al, with  
SCS (Rohrbach)  
HB 1636-Hoppe, with SCS  
(Wiggins)  
HB 1840-Seigfreid (Mathewson)  
HB 1032-Portwood (Steelman)  
HB 1313-Burton, with SCS  
(Foster)  
HB 1937-Barry, with SCA 1  
(Singleton)  
HB 1776-Harlan, with SCS  
(Kennedy)  
HB 2001-Hegeman, et al  
(Foster)  
HB 1921-Green (73), with  
SCS (Klarich)  
HB 2117-Boucher (Caskey)  
HB 1519-Boucher (Yeckel)  
HB 1375-Luetkenhaus (Yeckel)

HB 1342-Farnen (Yeckel)  
HB 1668-Holt, et al (House)  
HB 1822-Walton (Yeckel)  
HB 1492-Seigfreid, with  
SCS (Mathewson)  
HB 1495-Seigfreid, with  
SCS (Mathewson)  
HB 1265-Gratz and Vogel,  
with SCS (Childers)  
HB 2080-Britt, et al,  
with SCS (Foster)  
HB 1674-O'Toole and  
Dempsey (Stoll)  
HB 1890-Hilgemann, et al,  
with SCS (Gross)  
HB 1518-Luetkenhaus (Rohrbach)  
HB 1568-Luetkenhaus, with  
SCS (Rohrbach)  
HB 1381-Luetkenhaus, with  
SCS (Rohrbach)  
HB 1701-Luetkenhaus and  
Ward, with SCS (Rohrbach)  
HB 1468-Ward, with SCS  
(Loudon)  
HB 1473-Green (15), et al,  
with SCS (House)  
HB 1918-Koller, with SCS  
(Staples)

HBs 1093, 1094, 1159, 1204,  
1242, 1272, 1391, 1397,  
1411, 1624, 1632, 1714,  
1755, 1778, 1779, 1852,  
1862, 2025 & 2123-Relford  
and Seigfreid, with SCS  
(Mathewson)  
HBs 1141, 1400, 1645, 1745  
& 2026-Naeger, with SCS  
(Yeckel)

HBs 1205, 1214, 1314, 1320,  
1504, 1788, 1867 & 1969-  
Seigfreid and Relford, with  
SCS (Mathewson)  
HB 1075-Nordwald (House)  
HB 2062-Hosmer, et al (Westfall)  
HB 1789-Ross, et al, with  
SCS (Klarich)  
HB 1643-Holand and Barry  
(Singleton)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 645-Mathewson,  
with HCS  
SB 695-Dougherty and Sims,  
with HCS  
SB 714-Singleton, with HCS  
SCS for SB 737-Cauthorn  
and Russell, with HCS  
SB 749-Goode, with HCS  
SB 758-Bentley, with HCS  
SCS for SB 776-House,  
with HCS  
SB 786-Goode, with HCS  
SB 795-Schneider, with HCS  
SB 932-Klarich, with HCS  
SCS for SB 947-Klindt and  
Stoll, with HCS  
SB 950-Gibbons and Klarich,  
with HCS  
SCS for SB 957-Loudon,  
et al, with HCS  
SCS for SB 960-Kenney,  
et al, with HCS  
SB 961-Wiggins, et al, with HCS  
SB 962-Wiggins, with HCS  
SCS for SB 980-Singleton  
and Schneider, with HCS

SB 992-Johnson, with HCS  
SB 1012-Caskey, with HCS  
SB 1041-Russell, with  
HCAs 1, 2 & 3  
SB 1078-Kennedy, with HCS  
SCS for SBs 1086 & 1126-  
DePasco, with HCS  
SCS for SB 1093-Loudon,  
with HCS  
SB 1094-Russell, with HCS  
SB 1102-Westfall, with HCS  
SCS for SB 1113-Caskey,  
with HCS  
SB 1119-Johnson, with HCS  
SB 1168-Russell, with HCA 1  
SB 1199-Foster, with HCA 1  
SCS for SB 1202-Westfall,  
with HCS  
SCS for SB 1210-Johnson,  
with HCS  
SCS for SB 1212-Mathewson,  
with HCS  
SB 1213-Mathewson, with HCS  
SB 1220-Sims, with HS, as  
amended  
SB 1244-Bland, et al, with HCS

SS for SB 1248-Mathewson,  
with HS for HCS, as amended

SB 1251-Gibbons, with HCS

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 1101, with SCS  
(Russell)

HCS for HB 1102, with SCS,  
as amended (Russell)

HCS for HB 1103, with SCS,  
as amended (Russell)

HCS for HB 1104, with SCS,  
as amended (Russell)

HCS for HB 1105, with SCS  
(Russell)

HCS for HB 1106, with SCS  
(Russell)

HCS for HB 1107, with SCS,  
as amended (Russell)

HCS for HB 1108, with SCS  
(Russell)

HCS for HB 1109, with SCS  
(Russell)

HCS for HB 1110, with SCS  
(Russell)

HCS for HB 1111, with SCS,  
as amended (Russell)

HCS for HB 1112, with SCS  
(Russell)

HCS for HB 1711, with SAs 1, 2,  
3, 4, 5, 6, 7, 8 & 11

(Jacob)

(House adopted CCR  
and passed CCS)

HB 2120-Ridgeway and  
Hosmer, with SCS (Gibbons)

RESOLUTIONS

SR 1026-Jacob, with SA 1  
(pending)

SR 1602-Klarich, with SS  
(pending)

Reported from Committee

SCR 51-Mathewson and  
Yeckel, with SCA 1  
HCR 5-Reynolds (Schneider)

SCR 43-Loudon, with SCS  
HCS for HCR 11 (House)  
SCR 60-Kennedy, with SCS (pending)

SCR 57-Steelman, with SCS  
(pending)  
SCR 66-Loudon

HCR 13-Bowman, et al  
HCR 16-Farnen, et al  
HCR 24-Kreider

MISCELLANEOUS

REMONSTRANCE 1-Caskey

✓

Unofficial

Bill

Copy