

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 19, 2003

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

“In whatever condition you were called, brothers and sisters there remain with God.” (I Corinthians 7:24)

Gracious God, You have called us from many situations and places that differ from one another yet we pray that You will embrace each of us and may continue Your work through us that we might become all You have created us to be. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

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

Present—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer

Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

Absent with leave—Senator DePasco—1

The Senate observed a moment of silence and prayer in memory of Nan Wyatt.

RESOLUTIONS

Senator Dougherty offered Senate Resolution No. 185, regarding Macy Aleshanee Machetta, Columbia, which was adopted.

Senator Caskey offered Senate Resolution No. 186, regarding the Ninetieth Birthday of Goldie Buerge, Garden City, which was adopted.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the 1st time and 1,000 copies ordered printed:

SB 525—By Dolan.

An Act to repeal sections 172.030, 172.035, 172.037, 172.040, 172.060, 174.050, 174.055, 174.070, 174.241, 174.300, 174.332, 174.450, 174.453, 174.610, 174.620, 174.621, 175.020, 175.021, 175.023, 175.030, 178.632, and 178.633, RSMo, and to enact in lieu thereof nineteen new sections relating to student representation on the governing boards of public higher education

institutions.

SB 526—By Gross.

An Act to repeal section 137.275, RSMo, and to enact in lieu thereof one new section relating to attorneys' fees in property tax appeals.

SB 527—By Gross.

An Act to repeal section 150.150 as enacted by house bill no. 1566, eighty-seventh general assembly, second regular session and section 150.150 as enacted by house substitute for house committee substitute for senate bill no. 579, eighty-seventh general assembly, second regular session, and to enact in lieu thereof one new section relating to the collection of fees for merchants' licenses.

SB 528—By Gross.

An Act to repeal section 542.276, RSMo, and to enact in lieu thereof two new sections relating to criminal procedure, with penalty provisions.

SB 529—By Childers.

An Act to amend chapter 389, RSMo, by adding thereto one new section relating to the designation of official Missouri railroads.

SB 530—By Childers.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to sales tax exemptions for railway excursions that traverse state lines and operate on railroads which are part of the national transportation system.

SB 531—By Childers.

An Act to repeal sections 115.105, 115.123, 115.349, 115.351, 115.755, 115.758, 115.761, 115.765, 115.767, 115.770, 115.773, 115.776, 115.785, and 115.801, RSMo, and to enact in lieu thereof four new sections relating to presidential primary elections.

SB 532—By Mathewson and Childers.

An Act to repeal sections 281.240 and 281.260, RSMo, and to enact in lieu thereof three new sections relating to pesticides, with an

expiration date for a certain section.

SB 533—By Cauthorn.

An Act to amend chapter 287, RSMo, by adding thereto one new section relating to employee waiver of the workers' compensation law.

SB 534—By Cauthorn.

An Act to repeal section 198.006, RSMo, and to enact in lieu thereof one new section relating to supervision in nursing homes.

SB 535—By Yeckel.

An Act to repeal sections 337.500 and 337.510, RSMo, and to enact in lieu thereof two new sections relating to the licensing of professional counselors.

SB 536—By Jacob.

An Act to repeal sections 34.040, 143.011, 143.071, 143.121, 143.181, 143.225, 143.261, 143.431, 143.451, 144.010, 144.030, 144.190, 306.016, and 351.484, RSMo, and to enact in lieu thereof nineteen new sections relating to taxation.

SB 537—By Jacob.

An Act to repeal section 56.640, RSMo, and to enact in lieu thereof two new sections relating to the duties of a county counselor.

SB 538—By Dolan.

An Act to amend chapter 570, RSMo, by adding thereto two new sections relating to identity crimes, with penalty provisions.

SB 539—By Bray.

An Act to repeal sections 375.001, 375.002, 375.003, 375.004, 379.810, 379.815, 379.820, 379.825, 379.830, 379.840, 379.845, 379.850, 379.855, 379.860, 379.865, 379.870, 379.875, and 379.880, RSMo, and to enact in lieu thereof eighteen new sections relating to residential property insurance.

SB 540—By Gross.

An Act to repeal section 311.195, RSMo, and to enact in lieu thereof one new section relating to microbreweries.

SB 541—By Scott.

An Act to repeal section 105.711, RSMo, and to enact in lieu thereof one new section relating to the state legal expense fund.

SJR 21—By Cauthorn.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 43(a) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the conservation sales tax.

THIRD READING OF SENATE BILLS

SB 130, with **SCS**, introduced by Senators Gross and Dolan, entitled:

An Act to authorize the conveyance of property along 321 Knaust Road to St. Charles County, Missouri.

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

SCS for **SB 130**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 130

An Act to authorize the conveyance of property along 321 Knaust Road to St. Charles County, Missouri.

Was taken up.

Senator Dolan moved that **SCS** for **SB 130** be adopted, which motion prevailed.

On motion of Senator Dolan, **SCS** for **SB 130** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross

Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senator Clemens—1

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

SB 173, introduced by Senator Quick, entitled:

An Act to repeal section 321.120, RSMo, relating to fire protection district directors, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Quick, **SB 173** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Bland Stoll—2

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

SB 228, introduced by Senator Griesheimer, entitled:

An Act to repeal section 67.1360, RSMo, relating to tourism taxes, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, **SB 228** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

NAYS—Senator Loudon—1

Absent—Senators

Bland	Quick—2
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Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

Senator Cauthorn moved that motion lay on

the table, which motion prevailed.

SB 232, introduced by Senator Cauthorn, entitled:

An Act to authorize the conveyance of property at Thousand Hills State Park.

Was called from the Consent Calendar and taken up.

On motion of Senator Cauthorn, **SB 232** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Nodler
Quick	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—28

NAYS—Senators—None

Absent—Senators

Bland	Foster	Goode	Mathewson
Russell—5			

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

SB 235, introduced by Senator Quick, entitled:

An Act to repeal section 99.845, RSMo, and to enact in lieu thereof one new section relating to local government indebtedness.

Was called from the Consent Calendar and taken up.

On motion of Senator Quick, **SB 235** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Gibbons	Goode	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Foster Jacob—2

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

HOUSE BILLS ON THIRD READING

HB 401, introduced by Representative Pratt, et al, with **SCS**, entitled:

An Act to repeal sections 8.550 and 8.570, RSMo, and to enact in lieu thereof two new sections relating to the tobacco securitization settlement trust fund, with an emergency clause.

Was taken up by Senator Klindt.

SCS for **HB 401**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 401

An Act to repeal sections 8.550 and 8.570, RSMo, and to enact in lieu thereof two new sections relating to the tobacco securitization settlement trust fund, with an emergency clause.

Was taken up.

Senator Klindt moved that **SCS** for **HB 401** be adopted.

Senator Russell offered **SS** for **SCS** for **HB 401**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 401

An Act to repeal sections 8.370, 8.400, and 8.420, RSMo, and to enact in lieu thereof four new sections relating to the board of public buildings, with an emergency clause and a termination date for certain sections.

Senator Russell moved that **SS** for **SCS** for **HB 401** be adopted.

Senator Shields assumed the Chair.

Senator Klindt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 401, Page 4, Section 8.400, Line 4, by inserting immediately after the word “and” the words “to restore”; and further amend section 8.601, page 5, line 26, by inserting immediately after “8.601.” the following: “The tobacco settlement financing authority and the board of public buildings shall have no further authority to issue bonds and notes pursuant to”; and

Further amend said page and section, lines 26 and 27, by striking the words “shall terminate”.

Senator Klindt moved that the above amendment be adopted.

Senator Bartle assumed the Chair.

At the request of Senator Klindt, **HB 401**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

On motion of Senator Gibbons, the Senate recessed until 4:00 p.m.

RECESS

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

A quorum was established by the following vote:

Present—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Mathewson
Nodler	Quick	Russell	Shields
Stelman	Vogel	Wheeler	Yeckel—28

Absent—Senators

Bland	Dolan	Klindt	Scott
Stoll—5			

Absent with leave—Senator DePasco—1

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 542—By Caskey.

An Act to repeal sections 287.615, 287.845, 476.320, and 476.675, RSMo, and to enact in lieu thereof five new sections relating to administrative law judges.

SB 543—By Dougherty and Foster.

An Act to repeal sections 43.500, 43.503, 43.506, 43.521, 43.527, 43.530, 43.540, 43.543, 210.900, 210.906, 210.909, 210.921, 210.922, 210.937, 302.272, 610.120, 610.123, 630.140, 630.167, 630.170, and 660.317, RSMo, and to enact in lieu thereof twenty-three new sections relating to background checks, with penalty provisions and an effective date for a certain section.

SB 544—By Gross, Gibbons, Klindt, Foster, Yeckel, Cauthorn, Kinder, Loudon, Steelman and Stoll.

An Act to amend chapter 23, RSMo, by

adding thereto fifteen new sections relating to the Missouri sunset act.

SB 545—By Mathewson.

An Act to repeal sections 103.133 and 103.165, RSMo, and to enact in lieu thereof two new sections relating to Missouri consolidated health care plan.

THIRD READING OF SENATE BILLS

SB 282, introduced by Senator Shields, entitled:

An Act to repeal section 64.341, RSMo, and to enact in lieu thereof one new section relating to county facilities.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 282** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Stelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senator Klindt—1

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

SB 194, introduced by Senator Scott, and **SB 189**, introduced by Senator Loudon, with **SCS**, entitled respectively:

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to unemployment reimbursement for Indian tribes in compliance with federal mandate.

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to employment security.

Were called from the Consent Calendar and taken up by Senator Scott.

SCS for **SBs 194** and **189**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 194 and 189

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to unemployment reimbursement for Indian tribes in compliance with federal mandate, with an emergency clause.

Was taken up.

Senator Scott moved that **SCS** for **SBs 194** and **189** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SBs 194** and **189** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Bland	Coleman	Klindt	Mathewson—4
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Absent with leave—Senator DePasco—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Bland	Klindt	Quick	Stoll—4
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Absent with leave—Senator DePasco—1

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

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

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

SB 215, with **SCS**, introduced by Senator Foster, entitled:

An Act to repeal section 165.011, RSMo, and to enact in lieu thereof one new section relating to transfers from the incidental fund.

Was called from the Consent Calendar and taken up.

SCS for **SB 215**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 215

An Act to repeal section 165.011, RSMo, and to enact in lieu thereof one new section relating to transfers from the incidental fund.

Was taken up.

Senator Foster moved that **SCS** for **SB 215** be adopted, which motion prevailed.

On motion of Senator Foster, **SCS** for **SB 215** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

SB 255, with **SCA 1**, introduced by Senator Kinder, entitled:

An Act to repeal section 393.110, RSMo, and to enact in lieu thereof one new section relating to the public service commission's jurisdiction of consumer-owned electric corporations.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

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

On motion of Senator Kinder, **SB 255**, as

amended, was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Jacob Quick—2

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

SB 266, introduced by Senators Shields and Kennedy, entitled:

An Act to amend chapter 633, RSMo, by adding thereto one new section relating to services for persons with developmental disabilities.

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

On motion of Senator Shields, **SB 266** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler

Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senator Quick—1

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

SB 63, introduced by Senator Caskey, entitled:

An Act to repeal section 211.477, RSMo, relating to parental rights, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 63** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senator Quick—1

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

SENATE BILLS FOR PERFECTION

Senator Nodler moved that **SB 55**, with **SCS** and **SA 3** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 3 was again taken up.

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

Senators Jacob and Nodler offered **SS No. 2** for **SCS** for **SB 55**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 55

An Act to repeal sections 173.005, 174.020, 174.231, 174.241, 174.324, and 174.450, RSMo, and to enact in lieu thereof six new sections relating to state institutions of higher education.

Senator Jacob moved that **SS No. 2** for **SCS** for **SB 55** be adopted, which motion prevailed.

On motion of Senator Nodler, **SS No. 2** for **SCS** for **SB 55** was declared perfected and ordered printed.

HOUSE BILLS ON THIRD READING

Senator Klindt moved that **HB 401**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SA 1 was again taken up.

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

SS for **SCS** for **HB 401** was again taken up.

At the request of Senator Russell, **SS** for **SCS** for **HB 401** was withdrawn.

Senator Russell offered **SS No. 2** for **SCS** for **HB 401**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 401

An Act to repeal sections 8.370, 8.400, and 8.420, RSMo, and to enact in lieu thereof thirteen new sections relating to the board of public buildings, with an emergency clause and a termination date for certain sections.

Senator Russell moved that **SS No. 2** for **SCS** for **HB 401** be adopted.

Senator Klindt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 401, Page 4, Section 8.400, Line 4, by inserting immediately after the word “and” the words “to restore”; and further amend section 8.601, page 5, line 26, by inserting immediately after “8.601.” the following: “The tobacco settlement financing authority and the board of public buildings shall have no further authority to issue bonds and notes pursuant to”; and

Further amend said page and section, lines 26 and 27, by striking the words “shall terminate”.

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

Senator Goode offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 401, Page 5, Section 8.601, Line 27, by inserting after all of said line the following:

“Section 1. The provisions of sections 8.500 to 8.590 shall terminate upon the satisfaction of all outstanding notes and obligations issued

pursuant to such sections. The commissioner of the office of administration shall notify the revisor of statutes when all outstanding notes and obligations have been satisfied.”; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 401, Page 5, Section 8.420, Line 25, by inserting immediately after “8.450” the following: “or sections 8.625 to 8.649”.

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

Senator Quick offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 401, Page 1, In the Title, Lines 2-5, by striking all of said lines and inserting in lieu thereof the following: “To appropriate money and to repeal sections 8.370, 8.400, and 8.420, RSMo, and to enact fourteen new sections relating to authorizing additional funding of general revenue, with an emergency clause and a termination date for certain sections.”; and

Further amend said bill, page 1, section A, line 1, by inserting before all of said line the following:

“In order to preserve funds obtained in the tobacco securitization settlement trust fund, there is appropriated out of the State Treasury, chargeable to the fund and for the agency and purpose designated, for the period ending June 30, 2003, as follows:

Section 1. There is transferred out of the State Treasury, chargeable to the Budget Reserve

Fund, Two Hundred Million Dollars to the General Revenue Fund pursuant to Article IV, Section 27(a), Subsection 5 of the Missouri Constitution for budget stabilization purposes

From Budget Reserve Fund . . \$200,000,000”;

and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted.

Senator Steelman offered **SA 1 to SA 4**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4**

Amend Senate Amendment No. 4 to Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 401, Page 1, Section 1, Line 23, by striking “200,000,000” after the word “Fund” and inserting in lieu thereof “150,000,000”.

Senator Steelman moved that the above amendment be adopted.

Senator Shields offered **SSA 1 for SA 1 to SA 4**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 4**

Amend Senate Amendment No. 4 to Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 401, Page 1, Line 23 of said amendment, by deleting the number “200,000,000” and inserting in lieu thereof the number “50,000,000”.

Senator Shields moved that the above amendment be adopted.

At the request of Senator Shields, **SSA 1 for SA 1 to SA 4** was withdrawn.

SA 1 to SA 4 was again taken up.

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

SA 4 was again taken up.

Senator Quick moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Dougherty, Gibbons, Kennedy and Mathewson.

SA 4 failed of adoption by the following vote:

YEAS—Senators

Bland	Bray	Caskey	Coleman
Days	Dougherty	Foster	Goode
Jacob	Kennedy	Mathewson	Quick
Stelman	Stoll	Wheeler—15	

NAYS—Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Vogel	Yeckel—18		

Absent—Senators—None

Absent with leave—Senator DePasco—1

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

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 401, Page 5, Section 8.420, Line 23, by striking the words “one hundred fifty” and inserting in lieu thereof the following: “two hundred sixty-three”.

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

SA 5 failed of adoption by the following vote:

YEAS—Senators

Bland	Bray	Caskey	Coleman
Days	Dougherty	Foster	Jacob
Kennedy	Mathewson	Quick	Stoll
Wheeler—13			

NAYS—Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Gibbons	Goode
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Shields	Steelman	Vogel	Yeckel—20

Absent—Senators—None

Absent with leave—Senator DePasco—1

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

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for House Bill No. 401, Page 11, Section 8.640, Line 5, by striking “8.370” and inserting in lieu thereof the following: “8.8625”.

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

Senator Russell moved that **SS No. 2** for **SCS** for **HB 401**, as amended, be adopted, which motion prevailed.

Senator Klindt moved that **SS No. 2** for **SCS** for **HB 401**, as amended, be read the 3rd time and finally passed and was recognized to close.

President Pro Tem Kinder referred **SS No. 2** for **SCS** for **HB 401**, as amended, to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Gibbons, the Senate recessed until 8:00 p.m.

RECESS

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

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight,

to which was referred **SS No. 2** for **SCS** for **HB 401**, as amended, begs leave to report that it has considered the same and recommends that the bill do pass.

HOUSE BILLS ON THIRD READING

Senator Klindt moved that **SS No. 2** for **SCS** for **HB 401**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Klindt, **SS No. 2** for **SCS** for **HB 401**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel—27	

NAYS—Senators

Bland	Dougherty	Goode	Quick
Stoll	Wheeler—6		

Absent—Senators—None

Absent with leave—Senator DePasco—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Foster	Gibbons
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel—27	

NAYS—Senators

Dougherty	Goode	Quick	Stoll
Wheeler—5			

Absent—Senator Bland—1

Absent with leave—Senator DePasco—1

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

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS No. 2** for **SCS** for **SB 55**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred the addendum from the Governor appearing on Page 255 of the Senate Journal for Tuesday, February 18, 2003, to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 187, regarding Mary Ann Durham, Holts Summit, which was adopted.

Senator Vogel offered Senate Resolution No. 188, regarding Terry McCormack, Steedman, which was adopted.

Senator Kinder offered Senate Resolution No. 189, regarding Eldon Gene Nattier and James F. Coley, Cape Girardeau, which was adopted.

Senator Scott offered Senate Resolution No. 190, regarding Dr. Neal H. Lopinot, Springfield, which was adopted.

Senator Scott offered Senate Resolution No. 191, regarding the One Hundredth Birthday of Mary Belle Cook, Humansville, which was adopted.

Senator Scott offered Senate Resolution No. 192, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenneth Rife, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, his wife, Joncee, Joplin.

On behalf of Senator Bartle, the President introduced to the Senate, Home School Families from Eastern Jackson County.

Senator Childers introduced to the Senate, Bill and Doris Easley, Barry County.

Senator Steelman introduced to the Senate, Home School Families from Rolla and Salem.

Senator Dougherty introduced to the Senate, former State Senator John Bass, St. Louis.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Robert B. Fisher, D.O., Columbia.

Senator Jacob introduced to the Senate, Clayton Burnett and Ryan Rea, Jefferson City.

Senator Yeckel introduced to the Senate, Debra Kersting and volunteers and staff of the Greater Missouri Chapter of the March of Dimes.

Senator Coleman introduced to the Senate, Agriculture Leadership of Tomorrow.

On behalf of Senators Shields, Cauthorn, Dolan, Caskey, Vogel, Scott, Russell, Childers, Steelman, Griesheimer, Kinder, Foster and himself, Senator Klindt introduced to the Senate, Austin Swafford, Savannah; Ashley Lyon, Norborne; Kacie Nelson, Macon; Lee Magruder, Whiteside; David Swaters, Deepwater; Heather Shauck, Barnett; Serena Ehlers, Stockton; Aaron Hampton, Hartville; Adam McGee, Purdy; Sarah Hodges, Salem; Sarah Loehr, Luebbering; Garrett Rives,

Marble Hill; Kim Robinson, Poplar Bluff; and Jamie Lile, Strafford, 2002-2003 State FFA Officers.

Senator Gross introduced to the Senate, Julia Eckstein, St. Peters.

Senator Kennedy introduced to the Senate, Sam Moleski and Eileen Pedroley, Home Schoolers from St. Louis.

Senator Kinder introduced to the Senate, Mike Alden, Gary Pinkel, Mike Kelly, and Mario Moccia, Columbia.

Senator Quick introduced to the Senate, David and Lori Ford, and their children, Carl "Jeffrey", Megan, Cassidy, and Sydney, Claycomo; and

Jeffrey, Megan, Cassidy, and Sydney were made honorary pages.

Senator Gross introduced to the Senate, former State Representative, St. Charles County Executive Joe Ortwerth, St. Charles County.

Senator Cauthorn introduced to the Senate, Jack Reardon, Newark; and Joe and Kim Reardon, Columbia.

Senator Cauthorn introduced to the Senate, Carol Fanning, John and Carol Deters, and Mary Sachs, Bowling Green.

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

Unofficial

SENATE CALENDAR

TWENTY-FIFTH DAY—THURSDAY, FEBRUARY 20, 2003

FORMAL CALENDAR

Journal

SECOND READING OF SENATE BILLS

SB 374-Shields, et al	SB 506-Clemens
SB 398-Griesheimer, et al	SB 507-Bray
SB 413-Steelman, et al	SB 508-Bray
SB 440-Steelman	SB 509-Bray
SB 441-Dougherty	SB 510-Kinder
SB 444-Shields and Steelman	SB 511-Kinder, et al
SB 463-Gross	SB 512-Russell
SB 473-Stoll	SB 513-Kennedy and Coleman
SB 493-Kennedy	SB 515-Bland
SB 497-Yeckel, et al	SB 516-Kennedy and Coleman
SB 501-Gross	SB 517-Jacob
SB 502-Vogel	SB 518-Steelman
SB 503-Jacob	SB 519-Foster
SB 504-Clemens and Champion	SB 520-Klindt
SB 505-Clemens	SB 521-Gross

SB 522-Gross
SB 523-Kennedy and Griesheimer
SB 524-Jacob
SB 525-Dolan
SB 526-Gross
SB 527-Gross
SB 528-Gross
SB 529-Childers
SB 530-Childers
SB 531-Childers
SB 532-Mathewson and Childers
SB 533-Cauthorn
SB 534-Cauthorn
SB 535-Yeckel

SB 536-Jacob
SB 537-Jacob
SB 538-Dolan
SB 539-Bray
SB 540-Gross
SB 541-Scott
SB 542-Caskey
SB 543-Dougherty and Foster
SB 544-Gross, et al
SB 545-Mathewson
SJR 19-Clemens
SJR 20-Bray
SJR 21-Cauthorn

Unofficial

HOUSE BILLS ON SECOND READING

HCS for HB 185
HB 198-Stevenson, et al

HCS for HBs 122 & 80
HB 74-St. Onge

Journal

THIRD READING OF SENATE BILLS

SCS for SBs 299 & 40-
Champion, et al

SCS for SB 246-Steelman, et al
SS#2 for SCS for SB 55-Nodler

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INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 11-Kinder and Scott, with SCS
SB 13-Kinder
SB 18-Yeckel and Cauthorn,
with SCS (pending)
SB 33-Loudon and Scott,
with SS (pending)

SB 36-Klindt and Cauthorn,
with SCS
SB 51-Shields
SB 112-Loudon, with SCS
SB 217-Champion and
Clemens

SB 265-Shields and Scott,
with SCS

SB 436-Klindt, with SCS,
SS for SCS, SA 2 &
point of order (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell

Unofficial
Reported 2/17

SB 122-Caskey, with SCS
SB 292-Yeckel
SB 108-Gross
SB 29-Gross, with SCS
SB 50-Coleman
SB 1-Russell, with SCS
SB 4-Caskey and Russell,
with SCS
SB 117-Shields, with SCS
SB 216-Foster
SB 289-Dolan, et al

SB 314-Dolan
SB 7-Mathewson, with SCS
SB 239-Mathewson and
Scott, with SCS
SB 301-Bray
SB 357-Shields
SB 370-Foster
SB 379-Champion, with SCS
SB 383-Dolan
SB 303-Gibbons, with SCS
SB 56-Nodler, with SCS

Journal

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RESOLUTIONS

Reported from Committee

SR 30-Shields, with SCS,
SS for SCS & SA 1 (pending)