

# Journal of the Senate

FIRST REGULAR SESSION

THIRTY-FIRST DAY—TUESDAY, MARCH 4, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“They are waterless clouds carried along by the winds: autumn trees without fruit, twice dead, uprooted.” (Jude 12b)

Heavenly Father, there is often a maze of voices and choices that want to influence us and confuse our lives; so we pray for Your wisdom to help us choose wise counselors and walk along right pathways as is in keeping with Your will for us. And we pray for Kim Green, that You will touch his heart with Your healing power and that it will flow into every cell in his body, bringing him to health and wholeness. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

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 Lieutenant Governor was present.

## RESOLUTIONS

Senator Steelman offered Senate Resolution No. 306, regarding Ginger Priest, which was adopted.

## THIRD READING OF SENATE BILLS

**SB 288**, with **SCS**, introduced by Senator Dolan, entitled:

An Act to repeal section 447.040, RSMo, and to enact in lieu thereof one new section relating to lost and found property.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 288**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 288

An Act to repeal section 447.040, RSMo, and to enact in lieu thereof one new section relating to lost and found property.

Was taken up.

Senator Dolan moved that **SCS** for **SB 288** be adopted, which motion prevailed.

On motion of Senator Dolan, **SCS** for **SB 288** 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—Senator Stoll—1

Absent with leave—Senators

Bland DePasco—2

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

**SB 465**, introduced by Senator Bartle, entitled:

An Act to repeal section 477.600, RSMo, and to enact in lieu thereof one new section relating to annual reports of the judicial finance commission.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 465** 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—Senator Stoll—1

Absent with leave—Senators

Bland DePasco—2

The President declared the bill passed.

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

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

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

**SB 466**, with **SCS**, introduced by Senator Bartle, entitled:

An Act to repeal sections 57.290, 67.133, and 488.5320, RSMo, and to enact in lieu thereof two new sections relating to charges in criminal cases.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 466**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 466

An Act to repeal sections 57.290, 67.133, 488.4014, and 488.5320, RSMo, and to enact in lieu thereof three new sections relating to charges in criminal cases.

Was taken up.

Senator Bartle moved that **SCS** for **SB 466** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **SB 466** 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
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bland	DePasco—2
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The President declared the bill passed.

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

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

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

**SB 474**, introduced by Senator Bartle, entitled:

An Act to repeal section 488.426, RSMo, and to enact in lieu thereof one new section relating to surcharges in civil case filings.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 474** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Dolan	Russell	Scott	Stoll—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 Bartle, title to the bill was agreed to.

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

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

**SB 203**, introduced by Senator Bartle, entitled:

An Act to repeal section 536.077, RSMo, and to enact in lieu thereof one new section relating to administrative subpoenas.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 203** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Dolan	Klindt—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 Bartle, title to the bill was agreed to.

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

Senator Gibbons moved that motion lay on the

table, which motion prevailed.

**SB 214**, introduced by Senator Bartle, entitled:

An Act to repeal sections 488.032 and 491.280, RSMo, and to enact in lieu thereof two new sections relating to witness fees.

Was called from the Consent Calendar and taken up.

On motion of Senator Bartle, **SB 214** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Dolan—1

Absent with leave—Senators

Bland DePasco—2

The President declared the bill passed.

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

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

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

**SB 212**, introduced by Senator Bartle, and **SB 220**, introduced by Senator Bartle, with **SCS**, entitled respectively:

An Act to repeal sections 86.370, 86.398, 86.447, 86.600, 86.671, and 86.745, RSMo, and to enact in lieu thereof eight new sections relating to police relief and pension systems.

An Act to repeal sections 86.393, 86.407, and

86.720, RSMo, and to enact in lieu thereof five new sections relating to police relief and pension systems.

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

**SCS** for **SBs 212** and **220**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 212 and 220

An Act to repeal sections 86.370, 86.393, 86.398, 86.407, 86.447, 86.600, 86.671, 86.720, and 86.745, RSMo, and to enact in lieu thereof thirteen new sections relating to police relief and pension systems.

Was taken up.

Senator Bartle moved that **SCS** for **SBs 212** and **220** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **SBs 212** and **220** 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	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senator Kinder—1

Absent with leave—Senators

Bland DePasco—2

The President declared the bill passed.

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

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

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

Russell	Scott	Shields	Steelman
Vogel	Wheeler	Yeckel—31	

**HOUSE BILLS ON THIRD READING**

**HCS for HB 15**, with **SCS**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2003.

Was taken up by Senator Russell.

**SCS for HCS for HB 15**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
HOUSE BILL NO. 15

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2003.

Was taken up.

Senator Bartle assumed the Chair.

Senator Russell moved that **SCS for HCS for HB 15** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS for HCS for HB 15** 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

NAYS—Senators—None

Absent—Senator Stoll—1

Absent with leave—Senators

Bland DePasco—2

The President declared the bill passed.

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

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

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

President Pro Tem Kinder assumed the Chair.

Dick Vermeil, coach of the Kansas City Chiefs assumed the dais and addressed the members of the Senate.

Senator Bartle assumed the Chair.

**SENATE BILLS FOR PERFECTION**

Senator Klindt moved that **SB 36**, with **SCS, SS for SCS and SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 2** was again taken up.

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

Senator Klindt offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 7, Section 640.016, Line 26, by inserting after the word “rule” the following: “**that prescribes environmental conditions or standards**”.

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

Senator Dougherty offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 8, Section 640.016, Line 7 of said page, by striking the following: “department or commission promulgating” and inserting in lieu thereof the following: **“person challenging”**.

Senator Dougherty moved that the above amendment be adopted.

At the request of Senator Dougherty, **SA 4** was withdrawn.

Senator Steelman offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 9, Section 640.018.4, Line 14, by inserting after all of said line the following:

“444.770. 1. It shall be unlawful for any operator to engage in surface mining without first obtaining from the commission a permit to do so, in such form as is hereinafter provided, including any operator involved in any gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons.

2. Sections 444.760 to 444.790 shall apply only to those areas which are opened on or after January 1, 1972, or to the extended portion of affected areas extended after that date. The effective date of this section for minerals not previously covered under the provisions of sections 444.760 to 444.790 shall be August 28, 1990.

3. All surface mining operations where land is affected after September 28, 1971, which are under the control of any government agency whose regulations are equal to or greater than those imposed by section 444.774, are not subject to the further provisions of sections 444.760 to 444.790,

except that such operations shall be registered with the land reclamation commission.

4. Any portion of a surface mining operation which is subject to the provisions of sections 260.200 to 260.245, RSMo, and the regulations promulgated thereunder, shall not be subject to the provisions of sections 444.760 to 444.790, and any bonds or portions thereof applicable to such operations shall be promptly released by the commission, and the associated permits canceled by the commission upon presentation to it of satisfactory evidence that the operator has received a permit pursuant to section 260.205, RSMo, and the regulations promulgated thereunder. Any land reclamation bond associated with such released permits shall be retained by the commission until presentation to the commission of satisfactory evidence that:

(1) The operator has complied with sections 260.226 and 260.227, RSMo, and the regulations promulgated thereunder, pertaining to closure and postclosure plans and financial assurance instruments; and

(2) The operator has commenced operation of the solid waste disposal area or sanitary landfill as those terms are defined in chapter 260, RSMo.

5. Notwithstanding the provisions of subsection 1 of this section, any political subdivision which uses its own personnel and equipment **or contracts for excavation to obtain sand or gravel material limited to its own use** or any private individual for personal use may conduct in-stream gravel operations without obtaining from the commission a permit to conduct such an activity.

**6. Notwithstanding the provisions of subsection 1 of this section, any operator who does not engage in any form of surface mining other than in-stream sand and gravel mining, and who mines less than five thousand tons of material annually from in-stream sand and gravel operations, shall not be required to**

**obtain a permit from the commission. However, the department of natural resources may establish excavation standards for those operators exempt from requirements to be permitted pursuant to this subsection. Such excavation standards shall not be more stringent than those required of permitted operators. In the event an operator violates the excavation standards, the department of natural resources may require the operator to apply for a permit to continue operating at such site of excavation.**

444.772. 1. **Subject to the limitations set forth in section 444.770**, any operator desiring to engage in surface mining shall make written application to the director for a permit.

2. Application for permit shall be made on a form prescribed by the commission and shall include:

(1) The name of all persons with any interest in the land to be mined;

(2) The source of the applicant's legal right to mine the land affected by the permit;

(3) The permanent and temporary post office address of the applicant;

(4) Whether the applicant or any person associated with the applicant holds or has held any other permits pursuant to sections 444.500 to 444.790, and an identification of such permits;

(5) The written consent of the applicant and any other persons necessary to grant access to the commission or the director to the area of land affected under application from the date of application until the expiration of any permit granted under the application and thereafter for such time as is necessary to assure compliance with all provisions of sections 444.500 to 444.790 or any rule or regulation promulgated pursuant to them. Permit applications submitted by operators who mine an annual tonnage of less than ten thousand tons shall be required to include written consent from the operator to grant access to the

commission or the director to the area of land affected;

(6) A description of the tract or tracts of land and the estimated number of acres thereof to be affected by the surface mining of the applicant for the next succeeding twelve months; and

(7) Such other information that the commission may require as such information applies to land reclamation.

3. The application for a permit shall be accompanied by a map in a scale and form specified by the commission by regulation.

4. The application shall be accompanied by a bond, security or certificate meeting the requirements of section 444.778 and a permit fee approved by the commission not to exceed six hundred dollars. The commission may also require a fee for each site listed on a permit not to exceed three hundred dollars for each site. If mining operations are not conducted at a site for six months or more during any year, the fee for such site for that year shall be reduced by fifty percent. The commission may also require a fee for each acre bonded by the operator pursuant to section 444.778 not to exceed ten dollars per acre. If such fee is assessed, the per-acre fee on all acres bonded by a single operator that exceed a total of one hundred acres shall be reduced by fifty percent. In no case shall the total fee for any permit be more than two thousand five hundred dollars. Permit and renewal fees shall be established by rule and shall be set at levels that recover the cost of administering and enforcing sections 444.760 to 444.790, making allowances for grants and other sources of funds. The director shall submit a report to the commission and the public each year that describes the number of employees and the activities performed the previous calendar year to administer sections 444.760 to 444.790. [For any operator of a gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the total cost of submitting an application shall be three hundred

dollars.] The issued permit shall be valid from the date of its issuance until the date specified in the mine plan unless sooner revoked or suspended as provided in sections 444.760 to 444.790.

5. An operator desiring to have his or her permit amended to cover additional land may file an amended application with the commission. Upon receipt of the amended application, and such additional fee and bond as may be required pursuant to the provisions of sections 444.760 to 444.790, the director shall, if the applicant complies with all applicable regulatory requirements, issue an amendment to the original permit covering the additional land described in the amended application.

6. An operation may withdraw any land covered by a permit, excepting affected land, by notifying the commission thereof, in which case the penalty of the bond or security filed by the operator pursuant to the provisions of sections 444.760 to 444.790 shall be reduced proportionately.

7. Where mining or reclamation operations on acreage for which a permit has been issued have not been completed, the permit shall be renewed. The operator shall submit a permit renewal form furnished by the director for an additional permit year and pay a fee equal to an application fee calculated pursuant to subsection 4 of this section, but in no case shall the renewal fee for any operator be more than two thousand five hundred dollars. [For any operator involved in any gravel mining operation where the annual tonnage of gravel mined by such operator is less than five thousand tons, the permit as to such acreage shall be renewed by applying on a permit renewal form furnished by the director for an additional permit year and payment of a fee of three hundred dollars.] Upon receipt of the completed permit renewal form and fee from the operator, the director shall approve the renewal. With approval of the director and operator, the permit renewal may be extended for a portion of an additional year with a

corresponding prorating of the renewal fee.

8. Where one operator succeeds another at any uncompleted operation, either by sale, assignment, lease or otherwise, the commission may release the first operator from all liability pursuant to sections 444.760 to 444.790 as to that particular operation if both operators have been issued a permit and have otherwise complied with the requirements of sections 444.760 to 444.790 and the successor operator assumes as part of his or her obligation pursuant to sections 444.760 to 444.790 all liability for the reclamation of the area of land affected by the former operator.

9. The application for a permit shall be accompanied by a plan of reclamation that meets the requirements of sections 444.760 to 444.790 and the rules and regulations promulgated pursuant thereto, and shall contain a verified statement by the operator setting forth the proposed method of operation, reclamation, and a conservation plan for the affected area including approximate dates and time of completion, and stating that the operation will meet the requirements of sections 444.760 to 444.790, and any rule or regulation promulgated pursuant to them.

10. At the time that a permit application is deemed complete by the director, the operator shall publish a notice of intent to operate a surface mine in any newspaper qualified pursuant to section 493.050, RSMo, to publish legal notices in any county where the land is located. If the director does not respond to a permit application within forty-five calendar days, the application shall be deemed to be complete. Notice in the newspaper shall be posted once a week for four consecutive weeks beginning no more than ten days after the application is deemed complete. The operator shall also send notice of intent to operate a surface mine by certified mail to the governing body of the counties or cities in which the proposed area is located, and to the last known addresses of all record landowners of contiguous real property or real property located adjacent to the proposed mine



plan area. The notices shall include the name and address of the operator, a legal description consisting of county, section, township and range, the number of acres involved, a statement that the operator plans to mine a specified mineral during a specified time, and the address of the commission. The notices shall also contain a statement that any person with a direct, personal interest in one or more of the factors the commission may consider in issuing a permit may request a public meeting, a public hearing or file written comments to the director no later than fifteen days following the final public notice publication date.

11. The commission may approve a permit application or permit amendment whose operation or reclamation plan deviates from the requirements of sections 444.760 to 444.790 if it can be demonstrated by the operator that the conditions present at the surface mining location warrant an exception. The criteria accepted for consideration when evaluating the merits of an exception or variance to the requirements of sections 444.760 to 444.790 shall be established by regulations.

12. Fees imposed pursuant to this section shall become effective August 28, 2001, and shall expire on December 31, 2007. No other provisions of this section shall expire.”; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

At the request of Senator Klindt, **SB 36**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), was placed on the Informal Calendar.

## HOUSE BILLS ON SECOND READING

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

**HCS** for **HB 14**—Appropriations.

## SECOND READING OF SENATE BILLS

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

**SB 686**—Education.

## REFERRALS

President Pro Tem Kinder referred the Gubernatorial Appointments appearing on Page 361 of the Senate Journal for Monday, March 3, 2003, to the Committee on Gubernatorial Appointments.

## REPORTS OF STANDING COMMITTEES

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 457**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 467**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 61**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 447**, begs leave to report

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

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 537**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 448**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 394**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 395**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 471**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 470**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 469**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 468**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 330**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

### RECESS

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

### THIRD READING OF SENATE BILLS

**SB 330**, introduced by Senator Caskey, entitled:

An Act to repeal sections 454.505 and 454.606, RSMo, and to enact in lieu thereof two

new sections relating to child support enforcement.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 330** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland	Dolan	Jacob	Quick
Stoll—5			

Absent with leave—Senators

Cauthorn	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 Goode moved that motion lay on the table, which motion prevailed.

**SB 136**, introduced by Senator Goode, entitled:

An Act to repeal section 115.127, RSMo, relating to filing requirements for declaration of candidacy, 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 Goode, **SB 136** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Caskey	Champion
Childers	Clemens	Coleman	Days

Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—28

NAYS—Senator Quick—1

Absent—Senators

Bland	Dolan	Mathewson—3
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Absent with leave—Senators

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

**SB 376**, introduced by Senator Caskey, entitled:

An Act to repeal section 58.096, RSMo, and to enact in lieu thereof one new section relating to deputy coroners.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 376** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Dolan—1

Absent with leave—Senators

Cauthorn DePasco—2

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

**SB 297**, introduced by Senator Griesheimer, entitled:

An Act to amend chapter 250, RSMo, by adding thereto one new section relating to residential and commercial connections to state-operated sewer lines.

Was called from the Consent Calendar and taken up.

On motion of Senator Griesheimer, **SB 297** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Caskey	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—29			

NAYS—Senators—None

Absent—Senators

Bland Champion Clemens—3

Absent with leave—Senators

Cauthorn DePasco—2

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

**SB 294**, with **SCS**, introduced by Senator Vogel, entitled:

An Act to repeal section 313.220, RSMo, and to enact in lieu thereof one new section relating to lottery employees.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 294**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 294

An Act to repeal sections 313.057, 313.220, and 313.810, RSMo, and to enact in lieu thereof three new sections relating to licensing requirements.

Was taken up.

Senator Vogel moved that **SCS** for **SB 294** be adopted, which motion prevailed.

On motion of Senator Vogel, **SCS** for **SB 294** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
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—31	

NAYS—Senators—None

Absent—Senator Champion—1

Absent with leave—Senators

Cauthorn DePasco—2

The President declared the bill passed.

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

Senator Vogel 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 Klindt moved that **SB 36**, with **SCS**, **SS** for **SCS** and **SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 5** was again taken up.

Senator Goode offered **SA 1** to **SA 5**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 3, Section 444.770, Line 1 of said page, by striking the word "five" and inserting in lieu thereof the word "two".

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

Senator Goode offered **SA 2** to **SA 5**, which was read:

SENATE AMENDMENT NO. 2 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 3, Section 444.770, Line 3 of said page, by inserting after the period "." on said line the following: "**Such operator shall provide a quarterly report to the department of natural resources indicating the tonnage and owner of the property where the sand or gravel was removed.**".

Senator Goode moved that the above amendment be adopted.

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

Senator Goode offered **SA 3** to **SA 5**, which was read:

SENATE AMENDMENT NO. 3 TO

SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 3, Section 444.770, Line 3 of said page, by inserting after the period "." on said line the following: "**Such operator shall provide an annual report to the department of natural resources indicating the tonnage and owner or location of the properties where the sand or gravel was removed.**".

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

**SA 5**, as amended, was again taken up.

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

Senator Shields offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, Section A, Line 3 of said page, by inserting after all of said line the following:

"260.475. 1. Every hazardous waste generator shall pay, in addition to the fees imposed in section 260.380, a fee of twenty-five dollars per ton annually on all hazardous waste which is discharged, deposited, dumped or placed into or on the soil as a final action, and two dollars per ton on all other hazardous waste transported off site. No fee shall be imposed upon any hazardous waste generator who registers less than ten tons of hazardous waste annually pursuant to section 260.380, or upon:

(1) Hazardous waste which must be disposed of as provided by a remedial plan for an abandoned or uncontrolled hazardous waste site;

(2) Fly ash waste, bottom ash waste, slag waste and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels;

(3) Solid waste from the extraction, beneficiation and processing of ores and minerals, including phosphate rock and overburden from the mining of uranium ore and smelter slag waste from the processing of materials into reclaimed metals;

(4) Cement kiln dust waste;

(5) Waste oil; or

(6) Hazardous waste that is:

(a) Reclaimed or reused for energy and materials;

(b) Transformed into new products which are not wastes;

(c) Destroyed or treated to render the hazardous waste nonhazardous; or

(d) Waste discharged to a publicly owned treatment works.

2. The fees imposed in this section shall be reported and paid to the department on an annual basis not later than the first of January. The payment shall be accompanied by a return in such form as the department may prescribe.

3. Sixty percent of all moneys collected or received by the department pursuant to this section shall be transmitted to the department of revenue for deposit in the state treasury to the credit of the hazardous waste remedial fund created in section 260.480. Forty percent of all moneys collected or received by the department pursuant to this section shall be transmitted to the department of revenue for deposit in the state treasury to the credit of the hazardous waste fund created pursuant to section 260.391. Following each annual reporting date, the state treasurer shall certify the amount deposited in the fund to the commission.

4. If any generator or transporter fails or refuses to pay the fees imposed by this section, or

fails or refuses to furnish any information reasonably requested by the department relating to such fees, there shall be imposed, in addition to the fee determined to be owed, a penalty of fifteen percent of the fee, sixty percent of which shall be deposited in the hazardous waste remedial fund, and forty percent of which shall be deposited in the hazardous waste fund.

5. If the fees or any portion of the fees imposed by this section are not paid by the date prescribed for such payment, there shall be imposed interest upon the unpaid amount at the rate of ten percent per annum from the date prescribed for its payment until payment is actually made, sixty percent of which shall be deposited in the hazardous waste remedial fund, forty percent of which shall be deposited in the hazardous waste fund.

6. The state treasurer is authorized to deposit all of the moneys in the hazardous waste remedial fund in any of the qualified depositories of the state. All such deposits shall be secured in such a manner and shall be made upon such terms and conditions as are now or may hereafter be provided for by law relative to state deposits. Interest received on such deposits shall be credited to the hazardous waste remedial fund.

7. No fee shall be collected pursuant to this section after January 1, [2005] **2010**.

260.479. 1. The hazardous waste management commission shall establish, by rule, two subdivisions of hazardous waste based upon the management method. Subdivision A shall include waste which is placed in a hazardous waste disposal facility or which is stored for a period of more than one hundred eighty days; provided, however, for the purposes of this section, the commission may identify hazardous waste which shall be taxed pursuant to subdivision A when stored for longer than ninety days as well as waste which may be stored for up to one year and taxed as provided in subdivision B below. Subdivision B shall include all other hazardous waste produced.

The director shall annually request that a minimum of one million dollars be appropriated from general revenue funds for deposit in the hazardous waste remedial fund created pursuant to section 260.480.

2. Except as provided in this subsection and subsection 5 of this section, each hazardous waste generator registered with the department of natural resources, except the state and any political subdivision thereof, shall pay a fee based on the volume of waste produced in each of the subdivisions A and B as follows:

(1) For subdivision A waste, the fee shall be equal to 0.90785 times the amount of waste in short tons times the following sum: twenty-one dollars and eighty cents plus the product of 7.9890 cents times the amount of waste in short tons, except that the fee for subdivision A waste shall not exceed eighty thousand dollars; and

(2) For subdivision B waste, the fee shall be equal to 0.90785 times the amount of waste in short tons times the following sum: ten dollars and ninety cents plus the product of 3.9945 cents times the amount of waste in short tons, except that the fee for subdivision B waste shall not exceed forty thousand dollars.

No company shall pay more than eighty thousand dollars annually pursuant to this subsection; provided that all fee amounts established pursuant to this subsection may be adjusted annually by the commission by an amount not to exceed two and fifty-five hundredths percent. No individual generator subject to a fee pursuant to this section shall pay less than fifty dollars annually.

3. No tax shall be imposed pursuant to this section upon hazardous waste generators whose waste consists solely of waste oil or facilities licensed pursuant to chapter 197, RSMo. The commission may exempt intermittent generators or generators of very small volumes of hazardous waste from payment of fees required pursuant to this section, provided those generators comply with all other applicable provisions of sections 260.360

to 260.430.

4. Any hazardous waste generator registered with the department which discharges waste to a publicly owned treatment works having an approved pretreatment program as required by chapter 204, RSMo, shall not pay any fee required in sections 260.350 to 260.550 on such waste discharged which is in compliance with pretreatment requirements. The hazardous waste management commission may exempt such generators from the provisions of sections 260.350 to 260.430 if such exemption will not be in violation of the federal Resource Conservation and Recovery Act.

5. No fee shall be imposed pursuant to this section upon any hazardous waste which must be disposed of as provided by a remedial plan for an abandoned or uncontrolled hazardous waste site, or upon smelter slag waste from the processing of materials into reclaimed metals. Fees on hazardous waste fuel produced from hazardous waste by processing, blending or other off-site treatment shall be assessed and collected only at the facility where such hazardous waste fuel is utilized as a substitute for other fuel. No facility using hazardous waste fuel shall pay more than eighty thousand dollars annually pursuant to this subsection for the first fiscal year fees are assessed pursuant to this section, and such maximum amount may be adjusted annually thereafter by the commission by an amount not to exceed two and fifty-five hundredths percent. This subsection shall not be construed to apply to hazardous waste used directly as a fuel that has not been processed, blended, or otherwise treated off site. Such waste shall be subject to the fees established in subsection 2 of this section.

6. The department may establish by rule and regulation categories of waste based upon waste characteristics pursuant to subsection 2 of section 260.370. When the commission adopts hazardous waste categories, it shall establish and annually revise a fee schedule based upon waste

characteristics. Each generator shall annually pay a fee, in lieu of the fee required in subsection 2 of this section, based upon the volume of waste produced annually within each hazard category.

7. All fees within this section shall be based on hazardous waste produced within the preceding state fiscal year beginning with July first of the year this section goes into effect and payable at the end of the calendar year on December thirty-first and annually thereafter in the same manner; provided that no liability for fees shall be accrued pursuant to subsection 5 of this section for any waste used as a fuel prior to August 28, 2000.

8. The department shall promptly transmit sixty percent of all funds collected pursuant to this section to the director of revenue for deposit in the hazardous waste remedial fund created pursuant to section 260.480. The department shall promptly transmit forty percent of all funds collected pursuant to this section to the director of revenue for deposit in the hazardous waste fund created pursuant to section 260.391.

9. Notwithstanding any other provision of law to the contrary, no tax based on the number of employees employed by a hazardous waste generator shall be collected. No tax or fee shall be levied pursuant to this section after January 1, [2005] **2010.**”; and

Further amend the title and enacting clause accordingly.

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

Senator Dougherty offered **SA 7**, which was read:

**SENATE AMENDMENT NO. 7**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 5, Section 640.014, Line 24 of said page, by inserting immediately after the word “economic” the following: “**costs and benefits**”.

Senator Dougherty moved that the above

amendment be adopted, which motion prevailed.

Senator Dougherty offered **SA 8**, which was read:

**SENATE AMENDMENT NO. 8**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 8, Section 640.018, Line 25 of said page, by striking the word “modify” and inserting in lieu thereof the following: “**correct drafting error in**”.

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

Senator Dougherty offered **SA 9**, which was read:

**SENATE AMENDMENT NO. 9**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 5, Section 640.014, Line 29 of said page, by inserting immediately after the word “inaction” the following: “, **which includes both economic and environmental costs and benefits**”.

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

Senator Bray offered **SA 10**:

**SENATE AMENDMENT NO. 10**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 5, Section 640.014, Line 2, by inserting after the word “standards” the following: “and for which a risk assessment, cost benefit analysis or regulatory impact analysis has not been conducted at the federal level, and are”.

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

Senator Caskey offered **SA 11**:

**SENATE AMENDMENT NO. 11**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, Section A, Line 3 by inserting after all of said line the following:



“260.830. 1. Any county of the third classification **or any county of the second classification with more than forty-eight thousand two hundred but less than forty-eight thousand three hundred inhabitants** may, by a majority vote of its governing body, impose a landfill fee pursuant to sections 260.830 and 260.831, for the benefit of the county. No order or ordinance enacted pursuant to the authority granted by this section shall be effective unless the governing body of the county submits to the qualified voters of the county, at a public election, a proposal to authorize the governing body of the county to impose a fee under the provisions of this section. The ballot of submission shall be in substantially the following form:

Shall the county of ..... (insert name of county) impose a landfill fee of ..... (insert amount of fee per ton or volumetric equivalent of solid waste)?

YES     NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the order or ordinance and any amendments thereto shall become effective on the first day of the calendar quarter immediately after such election results are certified. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the county shall have no power to impose the fee authorized by this section unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to impose such fee, and the proposal is approved by a majority of the qualified voters voting thereon. If an economic development authority does not exist in a county at the time that a landfill fee is adopted by such county under this section, then the governing body of such county shall establish an economic development authority in the county.

2. The landfill fee authorized by such an election may not exceed one dollar and fifty cents

per ton or its volumetric equivalent of solid waste accepted, which charge may be in addition to any such fee currently imposed pursuant to the provisions of section 260.330.

260.831. 1. Each operator of a solid waste sanitary or demolition landfill in any county wherein a landfill fee has been approved by the voters pursuant to section 260.830 shall collect a charge equal to the charge authorized by the voters in such election, not to exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be collected in addition to any fee authorized or imposed pursuant to the provisions of section 260.330, and shall be paid to such operator by all political subdivisions, municipalities, corporations, entities or persons disposing of solid waste or demolition waste, whether pursuant to contract or otherwise, and notwithstanding that any such contract may provide for collection, transportation and disposal of such waste at a fixed fee. Any such contract providing for collections, transportation and disposal of such waste at a fixed fee which is in force on August 28, [1993] **2003**, shall be renegotiated by the parties to the contract to include the additional fee imposed by this section. Each such operator shall submit the charge, less collection costs, to the governing body of the county, which shall dedicate such funds for use by the industrial development authority within the county and such funds shall be used by the authority for economic development within the county. Collection costs shall be the same as established by the department of natural resources pursuant to section 260.330, and shall not exceed two percent of the amount collected pursuant to this section.

2. The charges established in this section shall be enumerated separately from any disposal fee charged by the landfill. After January 1, 1994, the fee authorized under section 260.830 and this section shall be stated as a separate surcharge on each individual solid waste collection customer's invoice and shall also name the economic development authority which receives the funds.

Moneys transmitted to the governing body of the county shall be no less than the amount collected less collection costs and in a form, manner and frequency as the governing body may prescribe. Failure to collect such charge shall not relieve the operator from responsibility for transmitting an amount equal to the charge to the governing body.”; and

Further amend the title and enacting clause accordingly.

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

Senator Dougherty offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 8, Section 640.018, Line 13 of said page, by inserting immediately after the word “regulation” the following: “, **unless the permit applicant agrees to such provision**”.

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

Senator Bray offered **SA 13**, which was read:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 8, Section 640.018.2, Line 17, by inserting after the word “review”: “**In the interest of expediting permit issuance, permit applicants may waive the opportunity to review draft permits prior to public notice.**”.

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

Senator Goode offered **SA 14**:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, Section 640.010, Line 16 of said page, by placing an opening bracket before the word “or” as

it appears the second time and by striking the opening bracket before the word “affected” and by striking the words “any person who”; and further amend line 17 of said page, by striking all of said line; and

Further amend said bill, Page 2, Section 640.010, Lines 1-2, by striking all of said lines and inserting in lieu thereof the following: “. **Except as otherwise provided by law, any person or entity aggrieved by an action taken by the department or its agents that participated in the proceeding before the department shall have the right to appeal to the commission from any finding, order, decision, or assessment for which the authority to hear appeals was transferred to the commission pursuant to section 640.314, RSMo. Participation in the proceeding means an affirmative act involving the submission of comments or information concerning the subject matter, and includes but is not limited to, filing comments on a proposed action or making comments at a public meeting. Notice of such decision shall be sent to all persons or entities that participated in the proceeding as set forth in section 640.322. Any such aggrieved person or entity may file an appeal with the commission within thirty days after valid service and receipt of any such finding, order, decision, or assessment. The**”.

Senator Goode moved that the above amendment be adopted.

Senator Goode offered **SSA 1** for **SA 14**, which was read:

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

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Page 1, Section 640.010, Line 17, by deleting said line and inserting in lieu thereof “**demonstrates a specific interest or legal property interest in the**”; and by further amending page 2, line 1, by striking “and” and replacing with “**or**”; and further amend said page, line 2 by deleting the word

“property”.

Senator Goode moved that the above substitute amendment be adopted.

At the request of Senator Goode, **SSA 1** for **SA 14** was withdrawn.

Senator Klindt offered **SSA 2** for **SA 14**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 2  
FOR SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 36, Pages 1-4, Section 640.010, by deleting section 640.010 and further amend the title and enacting clause accordingly.

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

Senator Klindt moved that **SS** for **SCS** for **SB 36**, as amended, be adopted, which motion prevailed.

On motion of Senator Klindt **SS** for **SCS** for **SB 36**, as amended, was declared perfected and ordered printed.

Senator Loudon moved that **SB 34** be taken up for perfection, which motion prevailed.

Senator Loudon offered **SS** for **SB 34**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 34

An Act to amend chapter 188, RSMo, by adding thereto one new section relating to informed consent to an abortion.

Senator Loudon moved that **SS** for **SB 34** be adopted.

Senator Childers assumed the Chair.

Senator Coleman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 34, Page 2, Section 188.250, Line 7 of said page, by inserting after all of said line the following:

**“6. The provisions of this section shall not apply to any religious pastor, minister, or other member of the clergy providing counsel to a minor.”.**

Senator Coleman moved that the above amendment be adopted.

Senator Coleman offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO  
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Bill No. 34, Page 1, Section 188.250, Line 4, by inserting after the word “clergy”, the following “of any well known religious order”.

Senator Coleman moved that the above amendment be adopted.

At the request of Senator Loudon, **SB 34**, with **SS**, **SA 1** and **SA 1** to **SA 1** (pending), was placed on the Informal Calendar.

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** for **SCS** for **SB 265**, begs leave to report that it has considered the same and recommends that the bill do pass.

SECOND READING OF SENATE BILLS

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

**SB 668**—Agriculture, Conservation, Parks and Natural Resources.

## RE-REFERRALS

President Pro Tem Kinder re-referred **SB 604** to the Committee on Ways and Means.

## MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCR 15**.

### HOUSE CONCURRENT RESOLUTION NO. 15

Relating to the designation of March 6th as Lymphedema D-Day in Missouri.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Whereas, lymphedema is an accumulation of lymphatic fluid that causes swelling in the arms, legs, or other areas of the body and affects both men and women; and

Whereas, the swelling caused by lymphedema can lead to severe infection or loss of the use of limbs, and patients suffering from lymphedema must endure physical discomfort and disfigurement and cope with the distress caused by these symptoms; and

Whereas, the single largest group of people who get lymphedema are cancer patients, including breast, prostate, gynecological, head, neck, lung, sarcoma, and melanoma patients; and

Whereas, in the Western world, breast cancer and its treatments are the leading causes of lymphedema, and more than two million women living with breast cancer in this country are at risk for development of lymphedema throughout their lifetimes; and

Whereas, recent studies have indicated that twenty percent of breast cancer patients will get lymphedema after surgery and radiation; and

Whereas, according to the National Cancer Institute, there are a reported eight and a half million Americans living after a diagnosis of cancer, of which about two million are breast cancer survivors; and

Whereas, no drug or effective surgical treatment for lymphedema currently exists; and

Whereas, while research in all areas of lymphedema has been notably limited, the University of Missouri Health Care System is

currently conducting groundbreaking research at the University of Missouri's Ellis Fischel Cancer Center and Sinclair School of Nursing through a project funded by a \$1.6 million grant from the National Institutes of Health and a grant from the University of Iowa Gerontological Research Nursing Intervention center. The research findings will increase understanding of lymphedema risk factors, onset, and intervention, thereby helping to improve quality of life in cancer survivorship; and

Whereas, this research, led by nationally recognized Dr. Jane Armer and conducted by a team of multi-disciplinary researchers, will focus on the psychosocial impacts of lymphedema and the affects of lymphedema on families and addresses the under-diagnosed and under-recognition of this condition by health care providers; and

Whereas, lymphedema, which has no cure and can occur at any time, has a severe financial, physical, and psychological impact on patients; and

Whereas, each year on March 6th, the National Lymphedema Network sponsors Lymphedema D-Day to honor patients and to raise awareness of the treatment and severity of this condition:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-second General Assembly, First Regular Session, the Senate concurring therein, hereby designate March 6th, in 2003 and each subsequent year, as Lymphedema D-Day in Missouri; and

Be it further resolved that the members of the General Assembly encourage the citizens of the State of Missouri to honor and support the courageous patients living and coping with this debilitating condition; and

Be it further resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## RESOLUTIONS

Senator Vogel offered Senate Resolution No. 307, regarding the Helias High School Wrestling Team, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 308, regarding Gregory C. "Greg" Stockard, Jr., Jefferson City, which was adopted.

Senator Cauthorn offered Senate Resolution No. 309, regarding Lewis Galbreath, Mexico, which was adopted.

Senator Clemens offered Senate Resolution No. 310, regarding the Willard R-II School District, Springfield.

**INTRODUCTIONS OF GUESTS**

Senator Foster introduced to the Senate, Allen Moore, Piedmont; Bill Hovis, Hiram; and Bill Thorsland, Leeper.

Senator Clemens introduced to the Senate, Lt. Col. Clair Eike, Bob Pyeatt, and Densil Batson, Greene County.

On behalf of Senator Champion and himself, Senator Clemens introduced to the Senate, Anson Elliott, Bruce Johnson, and representatives of the Southwest Missouri State University Collegiate Farm Bureau, Springfield.

Senator Kennedy introduced to the Senate, Carol Stinson, R.N.F.A., D.J. Gross, R.N., Nancy Hagan, R.N., Yvonne Schlote, R.N., and Charles Thompson, St. Louis.

Senator Cauthorn introduced to the Senate, the Physician of the Day, Dr. Arthur G. Freeland, M.D., Kirksville.

Senator Griesheimer introduced to the Senate, Betty Kerff, Linda Booher, Marian Milsaps, Shirley Boske, and Dixie Stone, Washington.

Senator Dolan introduced to the Senate, Pat Baravik, Augusta; Rolla Barr, Defiance; Don Fruhwirth, Wentzville; Bill Pollahan, New Melle;

and Leslie Seely, Lake St. Louis.

Senator Russell introduced to the Senate, Carolyn Hughes, West Plains.

Senator Childers introduced to the Senate, Misty Rutledge, West Plains.

Senator Scott introduced to the Senate, Wanda Force, and fourth grade students from Osceola; and Alexis Self, Paige Hodsell, Evan Shelby, and Michael Holt were made honorary pages.

On behalf of Senator Kinder, the President introduced to the Senate, Dave Kendall and Bud Epps, trainers for the Kansas City Chiefs; Mark Dempsey, President, Athletic Trainers Association; Eric McDonnel, trainer for the University of Missouri; and Ron DeBuque, trainer for the St. Louis Rams.

Senator Kennedy introduced to the Senate, James Buchanan, D.O., Farmington.

Senator Klindt introduced to the Senate, Matt Daise, Zac Erwin, Lori Fordyce, Lacy Friedrich, Greg Lally, Jason Marx, Ryan Porter, Clint Prange, Jason Vandivort, and Dr. Arley Larson, representatives of Collegiate Farm Bureau from Northwest Missouri State University, Maryville.

Senator Clemens introduced to the Senate, Spook Whitener, Springfield.

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

**SENATE CALENDAR**

THIRTY-SECOND DAY—WEDNESDAY, MARCH 5, 2003

**FORMAL CALENDAR**

**SECOND READING OF SENATE BILLS**

SB 497-Yeckel, et al

SB 573-Dougherty

SB 599-Childers and Gibbons

SB 600-Jacob

SB 602-Cauthorn

SB 633-Shields and Kinder

SB 635-Mathewson	SB 674-Gross
SB 636-Mathewson	SB 675-Gross, et al
SB 640-Foster	SB 677-Vogel and Russell
SB 643-Yeckel	SB 678-Vogel and Russell
SB 645-Kennedy	SB 679-Loudon
SB 646-Bray	SB 680-Loudon
SB 647-Bray	SB 681-Loudon, et al
SB 648-Shields	SB 683-Clemens, et al
SB 649-Shields	SB 684-Dougherty
SB 650-Jacob	SB 685-Gibbons, et al
SB 652-Steelman	SB 687-Russell, et al
SB 653-Steelman	SB 688-Russell and Goode
SB 654-Steelman	SB 689-Russell and Goode
SB 655-Klindt	SB 690-Russell, et al
SB 656-Klindt	SB 691-Russell, et al
SB 657-Klindt	SB 693-Klindt, et al
SB 658-Cauthorn	SB 694-Klindt
SB 659-Cauthorn	SB 695-Goode and Russell
SB 660-Cauthorn	SB 696-Coleman
SB 661-Wheeler	SB 698-Russell
SB 662-Wheeler	SB 699-Russell
SB 663-Dolan and Gross	SJR 19-Clemens
SB 664-Childers	SJR 20-Bray
SB 665-Bland	SJR 21-Cauthorn
SB 669-Dougherty and Gibbons	SJR 22-Klindt
SB 670-Dougherty	SJR 23-Coleman
SB 671-DePasco	

#### HOUSE BILLS ON SECOND READING

HCS for HB 288	HB 91-Mayer
HCS for HB 390	HCS for HB 273

#### THIRD READING OF SENATE BILLS

SS for SCS for SB 265- Shields	SCS for SB 84-Cauthorn and Klindt
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SENATE BILLS FOR PERFECTION

SB 347-Loudon, et al, with SCS  
SB 481-Dolan, et al, with SCS  
SB 24-Steelman, with SCS  
SB 300-Cauthorn, et al, with SCS

SB 253-Steelman, et al, with  
SCS  
SB 207-Mathewson  
SB 264-Shields, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 11-Kinder and Scott, with SCS  
SB 18-Yeckel and Cauthorn,  
with SCS & SS for SCS  
(pending)  
SB 33-Loudon and Scott,  
with SS (pending)  
SB 34-Loudon, with SS, SA 1  
& SA 1 to SA 1 (pending)

SB 51-Shields  
SB 69-Yeckel and Nodler,  
with SCS (pending)  
SB 112-Loudon, with SCS  
SB 217-Champion and  
Clemens, with SS (pending)  
SB 436-Klindt, with SCS, SS  
for SCS & SA 2 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell

Reported 2/24

SB 57-Nodler  
SB 142-Goode and Days  
SB 186-Cauthorn  
SB 218-Goode, et al, with SCS  
SB 224-Vogel, with SCS#2  
SB 238-Caskey, with SCS  
SB 250-Stoll  
SB 269-Quick, with SCS  
SB 281-Shields, with SCS

SB 391-Shields, et al, with SCS  
SB 308-Steelman, with SCS  
SB 303-Gibbons, with SCS  
SB 317-Stoll and Bray  
SB 385-Scott, with SCS  
SB 54-Griesheimer  
SB 423-Childers  
SB 356-Stoll  
SB 355-Stoll

Reported 3/3

SB 456-Kennedy, et al  
 SB 478-Gross, with SCS  
 SB 426-Griesheimer  
 SB 321-Days  
 SB 327-Gross and Mathewson  
 SB 496-Yeckel  
 SB 388-Klindt, et al

SB 237-Russell, et al, with SCS  
 SB 421-Mathewson, with SCS  
 SB 202-Childers, with SCS  
 SB 175-Loudon  
 SB 52-Shields, with SCS#2  
 SB 309-Caskey  
 SB 1-Russell, with SCS#2

Reported 3/4

SB 457-Caskey  
 SB 467-Bartle  
 SB 61-Caskey, with SCS  
 SB 447-Bartle, with SCS  
 SB 537-Jacob  
 SB 448-Bartle

SB 394-Bartle  
 SB 395-Bartle  
 SB 471-Bartle  
 SB 470-Bartle  
 SB 469-Bartle  
 SB 468-Bartle

Unofficial  
 Journal  
 RESOLUTIONS

To be Referred

HCR 15-Behnen

Reported from Committee

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

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