

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIFTH DAY—TUESDAY, APRIL 1, 2003

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Yeckel—33

Reverend Carl Gauck offered the following prayer:

Absent with leave—Senator DePasco—1

“Is not the Lord among us?” (Micah 3:11b)

Gracious God, we seek Your presence among us and ask that we might hear Your Word and live our lives in harmony with You so we will live today as You direct us and be the better for it. Help us to hear each other clearly and make effective decisions that make today better than yesterday. 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	W h e e l e r

RESOLUTIONS

Senator Foster offered Senate Resolution No. 458, regarding Bradley Donald Martin, Dexter, which was adopted.

THIRD READING OF SENATE BILLS

SB 373, with **SCS**, introduced by Senator Bartle, entitled:

An Act to repeal sections 301.210, 415.405, 415.410, 415.415, and 415.420, RSMo, and to enact in lieu thereof five new sections relating to warehouse and self-service storage facilities.

Was called from the Consent Calendar and taken up.

SCS for **SB 373**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 373

An Act to repeal sections 415.405, 415.410, 415.415, and 415.420, RSMo, and to enact in lieu thereof four new sections relating to warehouse and self-service storage facilities.

Was taken up.

Senator Bartle moved that **SCS** for **SB 373** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **SB 373** 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	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senator Russell—1

Absent with leave—Senator DePasco—1

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 165, introduced by Senator Bland, entitled:

An Act to repeal sections 33.750, 33.752, 33.753, 33.756, 67.653, 70.379, 92.418, and 643.310, RSMo, and to enact in lieu thereof eight new sections relating to the Missouri minority business advocacy commission.

Was called from the Consent Calendar and taken up.

On motion of Senator Bland, **SB 165** 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	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Goode Russell—2

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

SB 480, introduced by Senator Dolan, entitled:

An Act to repeal sections 334.530, 334.540, 334.550, 334.560, 334.655, 334.660, 334.665, and 334.670, RSMo, and to enact in lieu thereof ten new sections relating to physical therapists.

Was called from the Consent Calendar and taken up.

On motion of Senator Dolan, **SB 480** 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	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Goode Mathewson—2

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

SB 492, introduced by Senator Scott, entitled:

An Act to repeal section 324.409, RSMo, and to enact in lieu thereof one new section relating to commercial interior designers.

Was called from the Consent Calendar and taken up.

On motion of Senator Scott, **SB 492** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Cauthorn Coleman Dolan Quick
Russell—5

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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 548, introduced by Senator Champion, entitled:

An Act to amend chapter 23, RSMo, by adding thereto one new section relating to the joint committee on legislative research.

Was called from the Consent Calendar and taken up.

On motion of Senator Champion, **SB 548** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Coleman Quick—2

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

SB 607, introduced by Senator Loudon, entitled:

An Act to repeal section 288.060, RSMo, and to enact in lieu thereof one new section relating to employment.

Was called from the Consent Calendar and taken up.

On motion of Senator Loudon, **SB 607** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Gibbons	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel—19	

NAYS—Senators

Bland	Bray	Caskey	Coleman
Days	Dolan	Dougherty	Foster
Goode	Jacob	Mathewson	Quick
Stoll	Wheeler—14		

Absent—Senators—None

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

Photographers from the Associated Press were given permission to take pictures in the Senate Chamber today.

SB 616, introduced by Senator Nodler, entitled:

An Act to repeal section 355.176 as enacted by house substitute for senate bill no. 768, eighty-eighth general assembly, second regular session, and to enact in lieu thereof one new section for the sole purpose of reenacting section 355.176 which was held unconstitutional by the Missouri Supreme Court.

Was called from the Consent Calendar and

taken up.

On motion of Senator Nodler, **SB 616** 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	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senator Mathewson—1

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

SB 399, introduced by Senator Caskey, entitled:

An Act to repeal section 217.360, RSMo, and to enact in lieu thereof one new section relating to delivery or concealment of controlled substances in city or county jails, with penalty provisions.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 399** 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 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.

SB 571, introduced by Senator Loudon, entitled:

An Act to repeal sections 210.115 and 352.400, RSMo, and to enact in lieu thereof two new sections relating to Christian Science practitioners.

Was called from the Consent Calendar and taken up.

On motion of Senator Loudon, **SB 571** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bland	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Yeckel	Wheeler	Yeckel—27	

NAYS—Senators—None

Absent—Senators

Bartle	Coleman	Kinder	Klindt
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Quick Stoll—6

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

SB 618, introduced by Senators Kennedy and Shields, entitled:

An Act to amend chapter 630, RSMo, by adding thereto one new section relating to suicide.

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

On motion of Senator Kennedy, **SB 618** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bland	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Mathewson
Nodler	Shields	Steelman	Vogel
Wheeler	Yeckel—26		

NAYS—Senators—None

Absent—Senators

Bartle	Dougherty	Klindt	Quick
Russell	Scott	Stoll—7	

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

SB 534, introduced by Senator Cauthorn, entitled:

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

Was called from the Consent Calendar and taken up.

On motion of Senator Cauthorn, **SB 534** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bartle	Dolan	Quick	Scott
Shields	Stoll—6		

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

SENATE BILLS FOR PERFECTION

Senator Russell moved that **SB 2**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SB 2, entitled:

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

An Act to repeal sections 288.040 and 288.050, RSMo, and to enact in lieu thereof two new sections relating to employment security.

Was taken up.

Senator Russell moved that **SCS** for **SB 2** be adopted.

Senator Russell offered **SS** for **SCS** for **SB 2**, entitled:

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

An Act to repeal sections 285.300, 288.040, 288.050, 288.060, and 288.110, RSMo, and to enact in lieu thereof six new sections relating to employees, with penalty provisions.

Senator Russell moved that **SS** for **SCS** for **SB 2** be adopted.

Senator Loudon offered **SS** for **SS** for **SCS** for **SB 2**, entitled:

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

An Act to repeal sections 285.300, 288.036, 288.038, 288.040, 288.050, 288.060, 288.110, 288.128, 288.270, 288.310, and 288.330, RSMo, and to enact in lieu thereof thirteen new sections relating to employees, with an emergency clause and penalty provisions.

Senator Loudon moved that **SS** for **SS** for **SCS** for **SB 2** be adopted.

Senator Bartle assumed the Chair.

At the request of Senator Russell, **SB 2**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS** (pending), was placed on the Informal Calendar.

On motion of Senator Gibbons, the Senate recessed until 2:00 p.m.

RECESS

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

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 459, regarding Cynthia S. Blaylock, Louisiana, which was adopted.

THIRD READING OF SENATE BILLS

SB 351, with **SCS**, introduced by Senator Dougherty, entitled:

An Act to repeal section 194.220, RSMo, and to enact in lieu thereof one new section relating to health care.

Was called from the Consent Calendar and taken up.

SCS for **SB 351**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 351**

An Act to repeal section 194.220, RSMo, and to enact in lieu thereof one new section relating to health care.

Was taken up.

Senator Dougherty moved that **SCS** for **SB 351** be adopted, which motion prevailed.

On motion of Senator Dougherty, **SCS** for **SB 351** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dougherty	Foster	Gibbons	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel—26		

NAYS—Senators—None

Absent—Senators

Bland	Coleman	Dolan	Goode
Jacob	Quick	Stoll—7	

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

SB 16, with **SCS**, introduced by Senator Childers, entitled:

An Act to repeal section 137.721, RSMo, relating to the percentage of ad valorem property tax collections to be deposited in county assessment funds, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

SCS for **SB 16**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 16**

An Act to repeal section 137.721, RSMo, relating to the percentage of ad valorem property tax collections to be deposited in county assessment funds, and to enact in lieu thereof one new section relating to the same subject.

Was taken up.

Senator Childers moved that **SCS** for **SB 16** be adopted, which motion prevailed.

On motion of Senator Childers, **SCS** for **SB 16** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Days
Dougherty	Foster	Gibbons	Goode

Griesheimer	Gross	Jacob	Kennedy	Absent—Senators		
Kinder	Klindt	Loudon	Mathewson	Bland	Dolan	Mathewson—3
Nodler	Scott	Shields	Steelman			
Vogel	Wheeler	Yeckel—27	Absent with leave—Senator DePasco—1			

NAYS—Senators—None

The President declared the bill passed.

Absent—Senators

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

Bland	Coleman	Dolan	Quick
Russell	Stoll—6		

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

Absent with leave—Senator DePasco—1

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

The President declared the bill passed.

SB 504, with **SCS**, introduced by Senators Clemens and Champion, entitled:

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

An Act to repeal section 135.207, RSMo, and to enact in lieu thereof one new section relating to satellite enterprise zones.

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

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

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

SCS for **SB 504**, entitled:

SB 120, introduced by Senator Caskey, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 504

An Act to repeal section 137.082, RSMo, relating to assessment of newly constructed property, and to enact in lieu thereof one new section relating to the same subject.

An Act to repeal section 135.207, RSMo, and to enact in lieu thereof one new section relating to satellite enterprise zones.

Was called from the Consent Calendar and taken up.

Was taken up.

On motion of Senator Caskey, **SB 120** was read the 3rd time and passed by the following vote:

Senator Clemens moved that **SCS** for **SB 504** be adopted, which motion failed.

YEAS—Senators

On motion of Senator Clemens, **SB 504** was read the 3rd time and passed by the following vote:

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

YEAS—Senators

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

NAYS—Senators—None

NAYS—Senators—None

Shields Steelman Stoll Vogel
Wheeler Yeckel—30

Absent—Senators

Dolan Russell Stoll—3

NAYS—Senators—None

Absent with leave—Senator DePasco—1

Absent—Senators
Dolan Goode Russell—3

The President declared the bill passed.

Absent with leave—Senator DePasco—1

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

The President declared the bill passed.

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

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

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

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

SB 513, with **SCS**, introduced by Senators Kennedy and Coleman, entitled:

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

An Act to repeal section 84.140, RSMo, and to enact in lieu thereof one new section relating to paid vacation of St. Louis City police members.

SB 562, with **SCS**, introduced by Senator Griesheimer, entitled:

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

An Act to authorize the conveyance of property owned by the state at the Missouri Eastern Correctional facility in the County of St. Louis to the City of Pacific.

SCS for **SB 513**, entitled:

Was called from the Consent Calendar and taken up.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 513

An Act to repeal section 84.140, RSMo, and to enact in lieu thereof one new section relating to paid vacation of St. Louis City police members.

SCS for **SB 562**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 562

Was taken up.

An Act to authorize the conveyance of property owned by the state at the Missouri Eastern Correctional facility in the County of St. Louis to the City of Pacific.

Senator Kennedy moved that **SCS** for **SB 513** be adopted, which motion prevailed.

Was taken up.

On motion of Senator Kennedy, **SCS** for **SB 513** was read the 3rd time and passed by the following vote:

Senator Griesheimer moved that **SCS** for **SB 562** be adopted, which motion prevailed.

YEAS—Senators

Bartle Bland Bray Caskey
Cauthorn Champion Childers Clemens
Coleman Days Dougherty Foster
Gibbons Griesheimer Gross Jacob
Kennedy Kinder Klindt Loudon
Mathewson Nodler Quick Scott

Senator Childers assumed the Chair.

On motion of Senator Griesheimer, **SCS** for **SB 562** 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	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Jacob	Quick	Stoll—3
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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 Gibbons moved that motion lay on the table, which motion prevailed.

SB 577, introduced by Senator Shields, entitled:

An Act to authorize the governor to convey state property to the city of St. Joseph, Missouri.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 577** 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 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 578, introduced by Senator Shields, entitled:

An Act to authorize the governor to convey a tract of land owned by the state in the county of Platte.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 578** 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	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senator Goode—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 590, introduced by Senator Shields, entitled:

An Act to repeal section 67.990, RSMo, and to enact in lieu thereof one new section relating to tax levy for services to the elderly.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 590** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
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 Coleman—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.

Senator Shields assumed the Chair.

SB 592, with **SCS**, introduced by Senator Foster, entitled:

An Act to repeal section 488.429, RSMo, and

to enact in lieu thereof one new section relating to law library funds.

Was called from the Consent Calendar and taken up.

SCS for **SB 592**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 592

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to law library funds.

Was taken up.

Senator Foster moved that **SCS** for **SB 592** be adopted, which motion prevailed.

On motion of Senator Foster, **SCS** for **SB 592** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
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—Senators

Coleman Dolan—2

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

SB 621, with **SCS**, introduced by Senator Loudon, entitled:

An Act to amend chapter 82, RSMo, by adding thereto one new section relating to removal of nuisances.

Was called from the Consent Calendar and taken up.

SCS for **SB 621**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 621

An Act to amend chapter 82, RSMo, by adding thereto one new section relating to removal of nuisances, with a termination date.

Was taken up.

Senator Loudon moved that **SCS** for **SB 621** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **SB 621** 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	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senator Goode—1

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

Senator Gibbons moved that motion lay on the

table, which motion prevailed.

SB 635, with **SCS**, introduced by Senator Mathewson, entitled:

An Act to repeal sections 33.752, 207.060, 302.137, 650.005, and 660.010, RSMo, and to enact in lieu thereof five new sections relating to the reorganization of executive branch departments.

Was called from the Consent Calendar and taken up.

SCS for **SB 635**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 635

An Act to repeal sections 33.752, 207.060, 302.137, 650.005, and 660.010, RSMo, and to enact in lieu thereof five new sections relating to the reorganization of executive branch departments.

Was taken up.

Senator Mathewson moved that **SCS** for **SB 635** be adopted, which motion prevailed.

On motion of Senator Mathewson, **SCS** for **SB 635** 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	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senator Goode—1

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

SB 180, introduced by Senator Bland, entitled:

An Act to repeal section 105.269, RSMo, and to enact in lieu thereof one new section relating to retired teachers and administrators in urban school districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Bland, **SB 180** 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	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Vogel	Wheeler—30		

NAYS—Senators—None

Absent—Senators

Goode	Stoll	Yeckel—3
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Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 544**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 544**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 544

An Act to amend chapter 23, RSMo, by adding thereto fifteen new sections relating to the Missouri sunset act.

Was taken up.

Senator Gross moved that **SCS** for **SB 544** be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **SB 544** was declared perfected and ordered printed.

THIRD READING OF SENATE BILLS

SB 632, introduced by Senator Days, and **SB 644**, introduced by Senator Kennedy, with **SCS**, entitled respectively:

An Act to repeal section 162.700, RSMo, and to enact in lieu thereof one new section relating to the placement of certain special education pupils.

An Act to repeal section 162.700, RSMo, and to enact in lieu thereof one new section relating to early childhood special education.

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

SCS for **SBs 632** and **644**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 632 and 644

An Act to repeal section 162.700, RSMo, and to enact in lieu thereof one new section relating to the placement of certain special education pupils.

Was taken up.

Senator Days moved that **SCS** for **SBs 632** and **644** be adopted, which motion prevailed.

On motion of Senator Days, **SCS** for **SBs 632** and **644** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Cauthorn	Dolan	Goode	Quick
Russell—5			

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

SB 642, with **SCS**, introduced by Senator Foster, entitled:

An Act to repeal section 171.033, RSMo, and to enact in lieu thereof one new section relating to inclement weather exceptions for mandatory days of school attendance, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 642**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 642

An Act to repeal section 171.033, RSMo, and to enact in lieu thereof one new section relating to inclement weather exceptions for mandatory days of school attendance, with an emergency clause.

Was taken up.

Senator Foster moved that **SCS** for **SB 642** be adopted, which motion prevailed.

On motion of Senator Foster, **SCS** for **SB 642** 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	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Cauthorn	Dolan	Quick—3
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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	Bland	Bray	Caskey
Champion	Childers	Clemens	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

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

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

SB 676, with **SCS**, introduced by Senator Kennedy, entitled:

An Act to repeal section 171.033, RSMo, and to enact in lieu thereof one new section relating to exceptions to mandatory hours of school attendance, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 676**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 676

An Act to repeal section 171.033, RSMo, and to enact in lieu thereof one new section relating to exceptions to mandatory hours of school attendance, with an emergency clause.

Was taken up.

Senator Kennedy moved that **SCS** for **SB 676** be adopted, which motion prevailed.

On motion of Senator Kennedy, **SCS** for **SB 676** 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	Griesheimer	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Goode	Gross—2
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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	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Griesheimer	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Coleman	Goode	Gross—3
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Absent with leave—Senator DePasco—1

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

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

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

SB 666, with **SCS**, introduced by Senator Bland, entitled:

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to enrollment option plans.

Was called from the Consent Calendar and taken up.

SCS for **SB 666**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 666

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to intra-school district transfer policies.

Was taken up.

Senator Bland moved that **SCS** for **SB 666** be adopted, which motion prevailed.

On motion of Senator Bland, **SCS** for **SB 666** 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 Bland, title to the bill was agreed to.

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

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

SB 686, with **SCS**, introduced by Senator Russell, entitled:

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

Was called from the Consent Calendar and taken up.

SCS for **SB 686**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 686

An Act to repeal section 165.011, RSMo, and to enact in lieu thereof one new section relating to transfers from the capital projects fund to the incidental fund, with an emergency clause.

Was taken up.

Senator Russell moved that **SCS** for **SB 686** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **SB 686** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Dougherty Yeckel—2

Absent with leave—Senator DePasco—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Dougherty Loudon Yeckel—3

Absent with leave—Senator DePasco—1

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.

SENATE BILLS FOR PERFECTION

Senator Dolan moved that **SB 481**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SS** for **SCS** for **SB 481** was again taken up.

At the request of Senator Russell, the above substitute was withdrawn.

SS for **SCS** for **SB 481** was again taken up.

At the request of Senator Dolan, the above substitute was withdrawn.

Senator Dolan offered **SS No. 2** for **SCS** for **SB 481**, entitled:

SENATE SUBSTITUTE NO. 2 FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 481

An Act to repeal sections 21.795 and 226.030, RSMo, and to enact in lieu thereof three new sections relating to accountability measures governing the operations of the department of transportation.

Senator Dolan moved that the **SS No. 2** for **SCS** for **SB 481** be adopted.

Senator Shields assumed the Chair.

Senator Bray offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 481, Page 11, Section 226.033, Line 18, by inserting immediately after said line the following:

“226.040. 1. The [state highways and

transportation commission shall appoint a] chief executive officer with the title of director of the Missouri department of transportation **shall be appointed by the governor, with the advice and consent of the senate**. The director shall serve at the pleasure of the [commission] **governor**. The director shall be a citizen and a resident of this state, shall have had executive management experience for at least five years, and may be a registered professional engineer. The director's duties shall include appointment of a chief engineer, a chief financial officer and other department heads, engineers and other employees as the commission may designate and deem necessary. Under the direction of the commission, the director shall have general charge of, and be responsible for, the overall operations and performance of the department. The director shall provide quarterly to the commission at its regularly scheduled meetings a current unaudited written version of the report required in subsection 2 of section 21.795, RSMo, with changes from the most recent audited report clearly marked. Such report shall be made available to the public.

2. The chief engineer shall be a registered professional engineer responsible for preparation and approval of all engineering documents, plans and specifications and shall have general oversight of construction and maintenance work for the department as determined by the director.

3. Engineers of the department responsible for supervising the activities of road and bridge design, construction, maintenance and materials inspection and analysis shall be registered professional engineers in this state.”; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bland, Caskey, Coleman and Days.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Bartle	Bray	Coleman	Days
Dolan	Dougherty	Foster	Jacob
Kennedy	Mathewson	Quick	Shields
Stoll	Wheeler—14		

Shields Steelman Vogel Yeckel—20

Absent—Senators—None

Absent with leave—Senator DePasco—1

NAYS—Senators

Bland	Caskey	Cauthorn	Champion
Childers	Clemens	Gibbons	Goode
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott
Steelman	Vogel	Yeckel—19	

Senator Scott offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 481, Page 11, Section 226.033, Line 18, by inserting after all of said line the following:

Absent—Senators—None

Absent with leave—Senator DePasco—1

Senator Bray offered SA 2, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 481, Page 10, Section 226.033, Lines 23-29, by striking all of said lines and further amend said bill, page 11, section 226.033, lines 1-18, by striking all of said lines; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bland, Days, Quick and Stoll.

SA 2 failed of adoption by the following vote:

YEAS—Senators

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

NAYS—Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Nodler	Russell	Scott

“226.096. 1. Any controversy or claim to which the Missouri department of transportation is a party that arises out of or relates to a contract awarded pursuant to subdivision (9) of subsection 1 of section 226.130, and the claim exceeds twenty-five thousand dollars, shall upon written demand by any party, be settled by arbitration administered by the American Arbitration Association under its Construction Industry Arbitration Rules, except as provided in this section. The highway and transportation commission shall promulgate rules pursuant to chapter 536, RSMo, to become effective on or before July 1, 2004, establishing a method for appointment of arbitrators and allowing for the mediation of claims upon agreement of both parties. Judgment upon awards so rendered shall be entered in the circuit court of Cole County, Missouri.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held

unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

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

Senator Cauthorn offered **SA 4:**

SENATE AMENDMENT NO. 4

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 481, Page 11, Section 226.033, Line 18, by inserting after all of said line the following:

“226.120. The members of the commission shall elect a member as chairman and another vice chairman, each of whom shall hold such office for a term prescribed by the commission. Four members of the commission shall constitute a quorum for the transaction of business and for the exercise of any of the powers or the discharge of any of the duties authorized or imposed by law. The commission shall meet at least once each month and at such other times, and at such places within the state, as the commission shall determine. **Commission members shall drive on the state highway system to attend such meetings if the commissioner’s residence is less than two hundred miles from such meeting.** The chairman or, in the event of his inability to act, the vice chairman may call special meetings of the commission upon notice to members.”; and

Further amend the title and enacting clause accordingly.

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

Senator Griesheimer offered **SA 5:**

SENATE AMENDMENT NO. 5

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 481,

Page 11, Section 226.033, Line 18, by inserting the following:

“Section 1. The position of inspector general, as it exists as of January 1, 2003, shall be a permanent position within the department of transportation. Any person holding the position of inspector general may appeal his or her dismissal to the highways and transportation commission; such dismissal shall be upheld by the commission unless a majority of such body determines otherwise.”; and

Further amend the title and enacting clause accordingly.

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

Senator Caskey offered **SA 6:**

SENATE AMENDMENT NO. 6

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 481, Page 11, Section 226.033, Line 18, by inserting after said line:

“Section 1. In a condemnation case where there are multiple ownership interests in the property proposed for condemnation, the circuit court shall separate the trust fund into the respective ownership interests.”; and

Further amend the title and enacting clause accordingly.

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

Senator Gross offered **SA 7:**

SENATE AMENDMENT NO. 7

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 481, Page 8, Section 21.795, Line 13, by inserting after all of said line the following:

“144.062. 1. With respect to exempt sales at retail of tangible personal property and materials for the purpose of constructing, repairing or

remodeling facilities for: (1) a county, other political subdivision or instrumentality thereof exempt from taxation under subdivision (10) of section 39 of article III of the Constitution of Missouri; or (2) an organization sales to which are exempt from taxation under the provisions of subdivision (19) of subsection 2 of section 144.030; or (3) any institution of higher education supported by public funds or any private not-for-profit institution of higher education, exempt from taxation under subdivision (20) of subsection 2 of section 144.030; or (4) any private not-for-profit elementary or secondary school exempt from taxation under subdivision (22) of subsection 2 of section 144.030, **or (5) the department of transportation**, hereinafter collectively referred to as exempt entities, such exemptions shall be allowed for such purchases if the purchases are related to the entities' exempt functions and activities. In addition, the sales shall not be rendered nonexempt nor shall any material supplier or contractor be obligated to pay, collect or remit sales tax with respect to such purchases made by or on behalf of an exempt entity due to such purchases being billed to or paid for by a contractor or the exempt entity contracting with any entity to render any services in relation to such purchases, including but not limited to selection of materials, ordering, pickup, delivery, approval on delivery, taking of delivery, transportation, storage, assumption of risk of loss to materials or providing warranties on materials as specified by contract, use of materials or other purchases for construction of the building or other facility, providing labor, management services, administrative services, design or technical services or advice to the exempt entity, whether or not the contractor or other entity exercises dominion or control in any other manner over the materials in conjunction with services or labor provided to the exempt entity.

2. When any exempt entity contracts for the purpose of constructing, repairing or remodeling facilities, and purchases of tangible personal property and materials to be incorporated into or

consumed in the construction of the project are to be made on a tax-exempt basis, such entity shall furnish to the contractor an exemption certificate authorizing such purchases for the construction, repair or remodeling project. The form and content of such project exemption certificate shall be approved by the director of revenue. The project exemption certificate shall include but not be limited to:

- (1) The exempt entity's name, address, Missouri tax identification number and signature of authorized representative;
- (2) The project location, description, and unique identification number;
- (3) The date the contract is entered into, which is the earliest date materials may be purchased for the project on a tax-exempt basis;
- (4) The estimated project completion date; and
- (5) The certificate expiration date.

Such certificate is renewable for a given project at the option of the exempt entity, only for the purpose of revising the certificate expiration date as necessary to complete the project.

3. The contractor shall furnish the certificate prescribed in subsection 2 of this section to all subcontractors, and any contractor purchasing materials shall present such certificate to all material suppliers as authorization to purchase, on behalf of the exempt entity, all tangible personal property and materials to be incorporated into or consumed in the construction of that project and no other on a tax-exempt basis. Such suppliers shall execute to the purchasing contractor invoices bearing the name of the exempt entity and the project identification number. Nothing in this section shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in constructing, repairing or remodeling facilities for the exempt entity. All invoices for all personal property and materials purchased under a project exemption certificate shall be retained by the purchasing contractor for a period of five years

and shall be subject to audit by the director of revenue.

4. Any excess resalable tangible personal property or materials which were purchased for the project by a contractor under a project exemption certificate but which were not incorporated into or consumed in the construction of the project shall either be returned to the supplier for credit or the appropriate sales or use tax on such excess property or materials shall be reported on a return and paid by such contractor not later than the due date of the contractor's Missouri sales or use tax return following the month in which it was determined that the materials were not to be used in the project.

5. No contractor or material supplier shall, upon audit, be required to pay tax on tangible personal property and materials incorporated into or consumed in the construction of the project, due to the failure of the exempt entity to revise the certificate expiration date as necessary to complete any work required by the contract. If it is determined that tax is owed on such property and materials due to the failure of the exempt entity to revise such certificate expiration date, the exempt entity shall be liable for the tax owed.

6. If an entity issues exemption certificates for the purchase of tangible personal property and materials which are incorporated into or consumed in the construction of its project and such entity is found not to have had the authority granted by this section to issue such exemption certificates, then such entity shall be liable for the tax owed on such personal property and materials. In addition, if an entity which does have the authority granted by this section to issue exemption certificates issues such certificates for the purchase of tangible personal property and materials which are incorporated into or consumed in the construction of a project, or part of a project, which is found not to be related to such entity's exempt functions and activities, then such entity shall be liable for the tax owed on such personal property and materials.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bland offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 481, Page 11, Section 226.033, Line 18, by inserting the following:

“Section 1. 1. The state highways and transportation commission shall approve and implement a minority and women employment business enterprises program. The plan shall require all business vendors and contractors to assure the enforcement of an equal opportunity employment plan, and a minority and women business enterprises program that is based on population and availability and which contains specific goals for each such business, as applicable pursuant to state and federal laws.

2. The state highways and transportation commission shall implement and maintain an equal opportunity employment plan and a minority and women business enterprises program with specific goals which shall be identified and reported by ethnicity and gender. The state highways and transportation commission minority and women business enterprises program shall include the provisions of sections 34.070, 34.073, and 34.076, RSMo. The state highways and transportation commission shall engage the services of a compliance monitor, through either direct employment or by service contract, to assist in the implementation and progress of the program.

3. The state highways and transportation commission shall develop and implement such plan in coordination with Executive Order 98-21, house committee substitute for senate substitute for senate committee substitute for

senate bills nos. 808 and 672 as truly agreed to and finally passed by the eighty-fifth general assembly, second regular session, and the Missouri business development commission.”; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Caskey, Days, Stoll and Wheeler.

SA 8 failed of adoption by the following vote:

YEAS—Senators

Bland	Bray	Caskey	Coleman
Days	Dougherty	Goode	Jacob
Kennedy	Quick	Stoll	Wheeler—12

NAYS—Senators

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

Absent—Senator Mathewson—1

Absent with leave—Senator DePasco—1

Senator Bartle assumed the Chair.

Senator Dolan moved that SS No. 2 for SCS for SB 481, as amended, be adopted, which motion prevailed.

On motion of Senator Dolan, SS No. 2 for SCS for SB 481, as amended, was declared perfected and ordered printed.

Senator Childers moved that SB 422, with SCS, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for SB 422, as amended, was again taken up.

Senator Shields assumed the Chair.

Senator Steelman offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 422, Page 1, Section 162.261, Line 12, by inserting after all of said line the following:

“[162.203. 1. Board members initially elected or appointed under section 162.291, 162.459, 162.471, or 162.581 after August 28, 1993, in addition to the qualifications prescribed in those sections, shall successfully complete orientation and training requirements within one year of the date of the election or appointment. The orientation and training shall consist of at least sixteen hours with the cost of such training to be paid by the district.

2. All programs providing the orientation and training required under the provisions of this section shall be offered by a statewide association organized for the benefit of members of boards of education or be approved by the state board of education.]”;

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken and was joined in his request by Senators Days, Kennedy, Nodler and Stoll.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Bland	Cauthorn	Champion	Clemens
Dolan	Griesheimer	Kinder	Klindt
Loudon	Nodler	Scott	Shields
Steelman	Yeckel—14		

NAYS—Senators

Bartle	Bray	Caskey	Childers
Coleman	Days	Dougherty	Foster
Gibbons	Goode	Gross	Jacob
Kennedy	Mathewson	Quick	Stoll
Vogel	Wheeler—18		

Absent—Senator Russell—1

Absent with leave—Senator DePasco—1

Senator Dougherty offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 422, Page 1, Section 162.261, Line 12, by inserting after all of said line the following:

“162.601. 1. Elected members of the board in office on August 28, 1998, shall hold office for the length of term for which they were elected, and any members appointed pursuant to section 162.611 to fill vacancies left by elected members in office on August 28, 1998, shall serve for the remainder of the term to which the replaced member was elected.

2. No board members shall be elected at the first municipal election in an odd-numbered year next following August 28, 1998.

3. Three board members shall be elected at the second municipal election in an odd-numbered year next following August 28, 1998, to serve four-year terms.

4. Four board members shall be elected at the third municipal election in an odd-numbered year next following August 28, 1998, and two of such members shall be elected to four-year terms and two of such members shall be elected to three-year terms.

5. Beginning with the fourth municipal election in an odd-numbered year next following August 28, 1998, and at each succeeding municipal election in a year during which board member terms expire, there shall be elected members of the board of education, who shall assume the duties of their office at the first regular meeting of the board of education after their election, and who shall hold office for four years, and until their successors are elected and qualified.

6. Members of the board of directors shall be elected to represent seven subdistricts. The

subdistricts shall be established by the state board of education to be compact, contiguous and as nearly equal in population as practicable. The subdistricts shall be revised by the state board of education after each decennial census and at any other time the state board determines that the district's demographics have changed sufficiently to warrant redistricting.

7. A member shall reside in and be elected in the subdistrict which the member is elected to represent. Subdistrict 1 shall be comprised of wards 1, 2, 22 and 27. Subdistrict 2 shall be comprised of wards 3, 4, 5 and 21. Subdistrict 3 shall be comprised of wards 18, 19, 20 and 26. Subdistrict 4 shall be comprised of wards 6, 7, 17 and 28. Subdistrict 5 shall be comprised of wards 9, 10, 11 and 12. Subdistrict 6 shall be comprised of wards 13, 14, 16 and 25. Subdistrict 7 shall be comprised of wards 8, 15, 23 and 24.

[8. No one may run for school board who is employed by the school district or who is related to an employee of the school district within the second degree of affinity or consanguinity.]”;

Further amend the title and enacting clause accordingly.

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

SA 3 was adopted by the following vote:

YEAS—Senators

Bland	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Goode
Jacob	Kennedy	Mathewson	Quick
Stoll	Wheeler—18		

NAYS—Senators

Bartle	Dolan	Gibbons	Griesheimer
Gross	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Vogel	Yeckel—15	

Absent—Senators—None

Absent with leave—Senator DePasco—1

Senator Childers moved that **SCS** for **SB 422**, as amended, be adopted, which motion prevailed.

On motion of Senator Childers, **SCS** for **SB 422**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 460, regarding Frank Leroy “Frankie” Blair, IV, Fenton, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Wes Anderson, Tedd Maxfield, Juanita Cragin, and Mary Ireland, Nevada.

Senator Caskey introduced to the Senate, Gerald and Evelyn Dirks, Butler.

Senator Foster introduced to the Senate, Rick and Annette Hux, Dexter.

On behalf of Senator Gross and himself, Senator Dolan introduced to the Senate, Kevin Hurd, David Holcomb, Tim McCoy, and Allen Roche, St. Charles County.

Senator Yeckel introduced to the Senate, Nancy Werkmeister, and fifty-one eighth grade students from St. Catherine Laboure School, St. Louis; and Mike Ahrenhoersterbaeumer, Andrew Burlemann, Kerri Gallagher, Barrett Studdard, and Michelle Word were made honorary pages.

Senator Scott introduced to the Senate, representatives of Leadership Bolivar.

Senator Bartle introduced to the Senate, students from Lee’s Summit Community Christian School, Lee’s Summit.

Senator Jacob introduced to the Senate, students representing University of Missouri Undergraduate Research Day at the Capitol,

Columbia.

Senator Yeckel introduced to the Senate, Steve and Lori Shaffer, and their children, Grant and Eric; and Rick and Tammy Schwer, and their children, Kerby, Brandon, and Brianna, St. Louis; and Grant, Eric, Kerby, Brandon, and Brianna were made honorary pages.

Senator Klindt introduced to the Senate, twenty-six fourth grade students and teachers from King City Elementary School, King City.

Senator Cauthorn introduced to the Senate, Ruth Jones, Ruth Threlkeld, Trisha Adams, Kelly Palmer, and students from the Practical School of Nursing at Moberly Area Community College, Mexico.

Senator Klindt introduced to the Senate, Kim and Drew Ireland, and David Duncan, Mound City; and Sr. Mary Chrisman, Savannah; and Drew was made an honorary page.

Senator Dougherty introduced to the Senate, Tiffany Austin, Joel Brownfield, and Rebecca Creel, St. Louis; and Tiffany, Joel, and Rebecca were made honorary pages.

Senator Griesheimer introduced to the Senate, Gretchen Gullet, Dina Spies, Betty Newton, and Georgia Webb, Pacific; Sherry Hoerr and Sandi Raymo, Labadie; and Pat Bogert, St. Clair.

Senator Loudon introduced to the Senate, Debbie Fritz and students from St. Monica School, Creve Coeur; and Todd Krieger, Rebecca Quinn, Elizabeth Mager, Marianne Sicking, and Becky Kisling were made honorary pages.

Senator Kinder introduced to the Senate, Al Lipke and thirty-eight seventh grade students from St. Paul Lutheran School, Jackson.

Senator Bartle introduced to the Senate, Chris Patterson.

On behalf of Senator Loudon and himself, Senator Gross introduced to the Senate, Bernie Federko, Greg Paslawski, Perry Turnbull, Dale

Turvey, Vic Turvey, and Don Breckenridge with the St. Louis Blues Hockey Organization.

Pillar School, St. Louis County.

Senator Bray introduced to the Senate, forty-five fourth grade students from Our Lady of the

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

SENATE CALENDAR

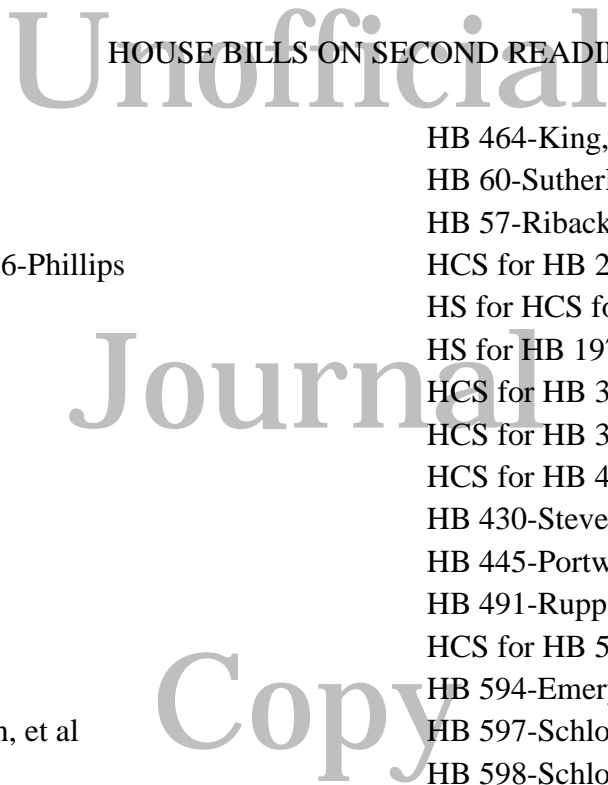
FORTY-SIXTH DAY—WEDNESDAY, APRIL 2, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 288
 HB 91-Mayer
 HCS for HB 273
 HS for HCS for HB 156-Phillips
 HCS for HB 600
 HCS for HB 431
 HB 376-Cooper (120)
 HB 553-Smith (14)
 HCS for HB 392
 HB 189-Parker, et al
 HB 244-Baker, et al
 HB 326-Wagner, et al
 HB 351-Quinn, et al
 HB 375-Cooper (120)
 HB 388-Riback Wilson, et al
 HB 463-King, et al
 HB 465-Hanaway, et al
 HCS for HB 472
 HB 477-Moore, et al
 HB 478-Moore, et al
 HB 505-Byrd and Villa
 HB 512-Cooper (120), et al

HB 464-King, et al
 HB 60-Sutherland
 HB 57-Riback Wilson
 HCS for HB 222
 HS for HCS for HB 228-Pearce
 HS for HB 197-Johnson (47)
 HCS for HB 322
 HCS for HB 318
 HCS for HB 427
 HB 430-Stevenson, et al
 HB 445-Portwood, et al
 HB 491-Rupp, et al
 HCS for HB 575
 HB 594-Emery, et al
 HB 597-Schlottach, et al
 HB 598-Schlottach, et al
 HCS for HB 356
 HB 523-Dusenberg, et al
 HB 552-Kingery
 HB 599-Burnett, et al
 HCS for HB 613



SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| 1. SB 450-Mathewson, et al,
with SCS | 8. SB 28-Gross |
| 2. SB 305-Jacob and Steelman | 9. SB 362-Steelman and Gross |
| 3. SB 410-Shields and Goode,
with SCS | 10. SB 184-Bartle and Scott |
| 4. SB 5-Caskey, with SCS | 11. SB 38-Klindt, et al, with SCS |
| 5. SBs 556 & 311-Kinder, et al,
with SCS | 12. SB 241-Yeckel, with SCS |
| 6. SB 243-Yeckel | 13. SB 476-Jacob |
| 7. SBs 361, 103, 156 &
329-Steelman, with SCS | 14. SB 460-Loudon |
| | 15. SBs 381, 384, 432 & 9-Dolan,
with SCS |
| | 16. SB 39-Cauthorn, et al, with
SCA 1 |

Unofficial

HOUSE BILLS ON THIRD READING

HB 412-Goodman, et al
(Childers)

HCS for HB 221, with
SCS (Yeckel)

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INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SB 2-Russell, with SCS, SS for
SCS & SS for SS for SCS (pending) | SB 112-Loudon, with SCS |
| SB 18-Yeckel and Cauthorn, with
SCS & SS for SCS (pending) | SBs 125 & 290-Goode, with
SCS (pending) |
| SB 24-Steelman, with SCS
& SS for SCS (pending) | SB 217-Champion and Clemens,
with SS (pending) |
| SB 33-Loudon and Scott,
with SS (pending) | SB 253-Steelman, et al,
with SCS, SS for SCS &
SA 1 (pending) |
| SB 51-Shields, with SS,
SS for SS & SA 1 (pending) | SB 300-Cauthorn, et al, with SCS |
| SB 69-Yeckel and Nodler,
with SCS (pending) | SB 347-Loudon, et al, with SCS |
| | 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 385-Scott, with SCS

Reported 3/4

SB 468-Bartle

Reported 3/10

SB 392-Shields

SB 447-Bartle, with SCS

Reported 3/13

SB 159-Bland, with SCS
(In Fiscal Oversight)

SB 694-Klindt

SB 334-Goode

SB 651-Steelman, et al

SB 668-Cauthorn and Klindt

SB 606-Coleman

SB 611-Clemens, et al

SB 623-Foster

SB 293-Vogel

SB 438-Clemens, et al

SB 490-Dolan

SB 594-Bray, with SCS

SB 598-Childers and Nodler

SB 697-Nodler, et al

SB 552-Yeckel

SB 463-Gross

SB 511-Kinder, et al

RESOLUTIONS

SCR 15-Dolan, et al

Reported from Committee

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

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