

Journal of the Senate

FIRST REGULAR SESSION

FORTY-SEVENTH DAY—THURSDAY, APRIL 3, 2003

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord, the compassionate and gracious God, slow to anger, abounding in love and faithfulness.” (Exodus 34:6)

Loving God, thank You for embracing us in Your love and caring. As the war continues to rage let us not lose sight that You have created us in love to love one another and therefore show compassion on those injured in this conflict. Bless our service men and women with Your protection and comfort and guide those that are in harm’s way. In Your Loving and Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

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

Present—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens

Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

Absent with leave—Senator DePasco—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 473, regarding Susan Bonebrake, Richland, which was adopted.

Senator Mathewson offered Senate Resolution No. 474, regarding the Mid-Missouri Telephone Company, Pilot Grove, which was adopted.

Senator Stoll offered Senate Resolution No. 475, regarding Betty Morris, Aberdeen, Maryland, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to

which was referred **SB 199**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 620**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 416**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 219**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SJR 13**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 73** begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the

following report:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 555**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **HS** for **HCS** for **HB 321**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 695**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 693**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 12**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which were referred **SB 248**, **SB 100**, **SB 118**, **SB 233**, **SB 247**, **SB 341** and **SB 420**, begs leave to report that it has considered

the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 27**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 209**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 685**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 455**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **HCS** for **HBs 122** and **80**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Trans-

portation, to which were referred **SB 343**, **SB 89**, **SB 134**, **SB 171**, **SB 240**, **SB 261**, **SB 331**, **SB 368**, **SB 369**, **SB 419**, **SB 484** and **SB 581**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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 446**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 242**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1.

SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 242, Page 1, Section 512.099, Line 4, by striking the word "statues" and inserting in lieu thereof the following: "**statutes**"; and further amend line 6, by striking "twenty-five" and inserting in lieu thereof the following: "**fifty**".

REFERRALS

President Pro Tem Kinder referred **SS** for **SCS** for **SB 410** to the Committee on Governmental Accountability and Fiscal Oversight.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 5**, begs leave to report that it has

considered the same and recommends that the concurrent resolution do pass.

Senator Bartle assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 556** and **SB 311**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 556** and **311**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 556 and 311

An Act to repeal sections 198.006, 198.022, 198.032, 198.036, 198.067, 198.070, 198.082, 198.105, 198.525, 198.526, 198.532, 208.072, 208.159, 344.050, 565.186, 570.145, 630.140, 630.165, 630.167, 660.250, 660.261, 660.270, 660.300, 660.305, 660.315, 660.317, and 660.320, RSMo, and to enact in lieu thereof thirty-nine new sections relating to the protection of the elderly, with penalty provisions and an expiration date for a certain section.

Was taken up.

President Maxwell assumed the Chair.

Senator Kinder moved that **SCS** for **SBs 556** and **311** be adopted.

Senator Kinder offered **SS** for **SCS** for **SBs 556** and **311**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 556 and 311

An Act to repeal sections 198.006, 198.022, 198.032, 198.036, 198.067, 198.070, 198.082, 198.105, 198.525, 198.526, 198.532, 344.050, 565.186, 570.145, 630.140, 630.165, 630.167, 660.250, 660.261, 660.270, 660.300, 660.305, 660.315, 660.317, and 660.320, RSMo, and to enact in lieu thereof thirty-eight new sections relating to the protection of the elderly, with penalty provisions and an expiration date for a certain section.

Senator Kinder moved that **SS** for **SCS** for **SBs 556** and **311** be adopted.

Senator Dolan offered **SS** for **SS** for **SCS** for **SBs 556** and **311**, entitled:

SENATE SUBSTITUTE FOR SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 556 and 311

An Act to repeal sections 198.006, 198.022, 198.032, 198.036, 198.067, 198.070, 198.082, 198.093, 198.105, 198.525, 198.526, 198.532, 344.050, 565.186, 570.145, 630.140, 630.165, 630.167, 660.250, 660.261, 660.270, 660.300, 660.305, 660.315, 660.317, and 660.320, RSMo, and to enact in lieu thereof thirty-eight new sections relating to the protection of the elderly, with penalty provisions and an expiration date for a certain section.

Senator Dolan moved that **SS** for **SS** for **SCS** for **SBs 556** and **311** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 70, Section 660.321, Line 3 of said page, by inserting immediately after said line the following:

“[197.725. 1. The department of health and senior services shall establish procedures for the licensing of necessary provider hospitals. For purposes of this section, “necessary provider hospital” means an existing hospital, as defined in section 197.020, that is located outside a Standard Metropolitan Area and that:

(1) Provides inpatient care to ill or injured persons prior to their transportation to a hospital or provides inpatient medical care to persons needing such care for a period of no longer than ninety-six hours with exceptions as authorized by federal Medicare law and regulations;

(2) May have up to fifteen acute care inpatient beds and may participate in the federal swing-bed program for up to ten additional beds;

(3) Makes available emergency services on a twenty-four-hour basis; and

(4) Is required to have formal agreements with at least one hospital and other appropriate providers for such services as patient referral and transfer, communication systems, provision of emergency and nonemergency transportation, and backup medical and emergency services.

2. The department of health and senior services may promulgate rules and regulations to implement the provisions of this section. No rule or portion of a rule promulgated pursuant to the provisions of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.]"; 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 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311, Page 14, Section 198.067, Line 10, by striking all of said section and inserting in lieu the following:

"198.067. 1. An action may be brought by the department, or by the attorney general on his or her own volition or at the request of the department or any other appropriate state agency, to temporarily or permanently enjoin or restrain any violation of sections 198.003 to 198.096, to enjoin the acceptance of new residents until substantial compliance with sections 198.003 to 198.096 is achieved, or to enjoin any specific action or practice of the facility. Any action brought pursuant to the provisions of this section shall be placed at the head of the docket by the court, and

the court shall hold a hearing on any action brought pursuant to the provisions of this section no less than fifteen days after the filing of the action.

2. The department may bring an action in circuit court to recover a civil penalty against the licensed operator of the facility as provided by this section. Such action shall be brought in the circuit court for the county in which the facility is located. The circuit court shall determine the amount of penalty to be assessed within the limits set out in this section. Appeals may be taken from the judgment of the circuit court as in other civil cases.

3. The operator of any facility which has been cited with a violation of sections 198.003 to 198.096 or the regulations established pursuant thereto, or of subsection (b), (c), or (d) of Section 1396r of Title 42 of the United States Code or the regulations established pursuant thereto, is liable to the state for civil penalties of up to [ten] **twenty-five** thousand dollars for each day that the violations existed or continue to exist. Violations shall be presumed to continue to exist from the time they are found until the time the [division of aging] **department of health and senior services** finds them to have been corrected. **When applicable**, the amount of the penalty shall be determined as follows:

(1) For each violation of a class I standard **when applicable pursuant to subdivision (6) of this subsection**, not less than one [hundred fifty] **thousand** dollars nor more than [one] **ten** thousand dollars;

(2) For each violation of a class II standard, not less than **two hundred** fifty dollars nor more than [five hundred] **one thousand** dollars;

(3) For each violation of a class III standard, not less than [fifteen dollars] **fifty dollars** nor more than [one] **two** hundred fifty dollars;

(4) For each violation of a federal standard which does not also constitute a violation of a state law or regulation, not less than two hundred fifty dollars nor more than five hundred dollars;

(5) For each specific class I violation by the same operator **at a particular facility** which has been cited **previously** within the past twenty-four months and for each specific class II or III violation by the same operator **at a particular facility** which has been cited **previously** within the past twelve months, double the amount last imposed;

(6) In accordance with the provisions of this section, when the department imposes a civil monetary penalty for a class I violation, the liability for the civil monetary penalty shall be incurred immediately upon the imposition of the violation regardless of any subsequent correction of the violation by the facility. For class II and III violations the department shall impose a civil monetary penalty if a breach of a specific state or federal standard or statute remains uncorrected and not in accord with the accepted plan of correction at the time of the reinspection conducted pursuant to subsection 3 of section 198.026 or the regulations established pursuant to Title 42 of the United States Code. A judgment rendered against the operator of a facility pursuant to this subsection shall bear interest as provided in subsection 1 of section 408.040, RSMo.

[As used in this subdivision the term "violation" shall mean a breach of a specific state or federal standard or statute which remains uncorrected and not in accord with the accepted plan of correction at the time of the reinspection conducted pursuant to subsection 3 of section 198.026 or the regulations established pursuant to Title 42 of the United States Code. A judgment rendered against the operator of a facility pursuant to this subsection shall bear interest as provided in subsection 1 of section 408.040, RSMo.]

4. Any individual who willfully and knowingly certifies pursuant to subsection (b)(3)(B)(I) of Section 1396r of Title 42 of the United States Code a material and false statement in a resident assessment is subject to a civil penalty of not more than one thousand dollars with respect

to each assessment. Any individual who willfully and knowingly causes another individual to certify pursuant to subsection (b)(3)(B)(i) of Section 1396r of Title 42 of the United States Code a material and false statement in a resident assessment is subject to a civil penalty of not more than five thousand dollars with respect to each assessment.

5. The imposition of any remedy provided for in sections 198.003 to 198.186 shall not bar the imposition of any other remedy.

6. **Twenty-five percent of the penalties collected pursuant to this section shall be deposited in the [division of aging] elderly home-delivered meals trust fund as established in section 660.078, RSMo. Twenty-five percent of the penalties collected pursuant to this section shall be deposited in the nursing facility quality care fund to be used for the sole purpose of supporting quality care improvement projects within the office of state ombudsman for long-term care facility residents, established pursuant to section 660.603, RSMo. The remaining fifty percent of the penalties collected pursuant to this section shall be deposited into the nursing facility quality of care fund established in section 198.418 to be used by the department for the sole purpose of developing a program to assist qualified nursing facilities to improve the quality of service to their residents. The director of the department shall, by rule, develop a definition of qualified facilities and shall establish procedures for the selection of qualified facilities.** Such penalties shall not be considered a charitable contribution for tax purposes.

7. To recover any civil penalty, the moving party shall prove by clear and convincing evidence that the violation occurred.

8. The licensed operator of a facility against whom an action to recover a civil penalty is brought pursuant to this section may confess judgment as provided in section 511.070, RSMo,

at any time prior to hearing. If such licensed operator agrees to confess judgment, the amount of the civil penalty recommended by the moving party in its petition shall be reduced by twenty-five percent and the confessed judgment shall be entered by the circuit court at the reduced amount.

9. The amount of any civil penalty assessed by the circuit court pursuant to this section shall be reduced by the amount of any civil monetary penalty which the licensed operator of the facility may establish it has paid pursuant to the laws of the United States for the breach of the same federal standards for which the state action is brought.

10. In addition to the civil penalties specified in subdivision (1) of subsection 3 of this section, any facility which is cited with a violation of a class I standard pursuant to subsection 1 of section 198.085, when such violation results in serious physical injury or abuse of a sexual nature pursuant to subdivision (1) of section 198.006, to any resident of that facility shall be liable to the state for a civil penalty of one hundred dollars multiplied by the number of beds licensed to the facility, up to a maximum of ten thousand dollars pursuant to subsections 1 and 2 of this section. The liability of the facility for civil penalties pursuant to this section shall be incurred immediately upon the citation of the violation and shall not be affected by any subsequent correction of the violation. For the purposes of this section, "serious physical injury" means physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

11. The department shall not impose a fine for self-reporting class II and class III violations so long as each violation is corrected within a specified period of time as determined by the department and there is no reoccurrence of the particular violation for twelve months following the date of the first self-reporting.

12. If a facility is sold or changes its

operator, any civil penalty assessed shall not be sold, transferred, or otherwise assigned to the successor operator but shall remain the sole liability of the operator at the time of the violation.”.

Senator Dougherty moved that the above amendment be adopted.

At the request of Senator Kinder, **SB 556** and **SB 311**, with **SCS, SS** for **SCS, SS** for **SS** for **SCS** and **SA 2** (pending), were placed on the Informal Calendar.

REFERRALS

President Pro Tem Kinder referred **HCS** for **HBs 122** and **80**; **HS** for **HCS** for **HB 321**; and **HCS** for **HB 73** to the Committee on Governmental Accountability and Fiscal Oversight.

THIRD READING OF SENATE BILLS

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 by Senator Gross.

Senator Bartle assumed the Chair.

On motion of Senator Gross, **SCS** for **SB 544** 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 Gross, title to the bill was agreed to.

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

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

SCS for SB 422, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 422

An Act to repeal sections 162.261 and 162.601, RSMo, and to enact in lieu thereof two new sections relating to qualification for service on a seven-director or urban school board.

Was taken up by Senator Childers.

On motion of Senator Childers, SCS for SB 422 was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland Dolan Dougherty Goode Russell—5

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

HOUSE BILLS ON THIRD READING

At the request of Senator Childers, HB 412 was placed on the Informal Calendar.

At the request of Senator Yeckel, HCS for HB 221, with SCS, was placed on the Informal Calendar.

HCS for HB 554, 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 taken up by Senator Foster.

On motion of Senator Foster, HCS for HB 554 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.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Coleman

Days	Dougherty	Foster	Gibbons	Loudon	Mathewson	Nodler	Quick
Goode	Griesheimer	Gross	Jacob	Russell	Scott	Shields	Steelman
Kennedy	Kinder	Klindt	Loudon	Stoll	Vogel	Wheeler	Yeckel—32
Mathewson	Nodler	Quick	Russell				
Scott	Shields	Steelman	Vogel				
Wheeler	Yeckel—30						

NAYS—Senators—None

Absent—Senators

Clemens Dolan Stoll—3

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.

THIRD READING OF SENATE BILLS

SB 275, introduced by Senator Russell, entitled:

An Act to repeal section 2, as enacted by senate bill no. 1168, ninety-first general assembly, second regular session, section 2, as enacted by senate committee substitute for house bill no. 1811, ninety-first general assembly, second regular session, and section 3, as enacted by senate bill no. 1041, ninety-first general assembly, second regular session relating to conveyance of property owned by the state.

Was called from the Consent Calendar and taken up.

On motion of Senator Russell, **SB 275** 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

NAYS—Senators—None

Absent—Senator Dougherty—1

Absent with leave—Senator DePasco—1

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.

SB 385, with **SCS**, introduced by Senator Scott, entitled:

An Act to repeal section 287.310, RSMo, and to enact in lieu thereof one new section relating to approval of workers' compensation policies and deductible plans.

Was called from the Consent Calendar and taken up.

SCS for **SB 385**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 385

An Act to repeal section 287.310, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation policies.

Was taken up.

Senator Scott moved that **SCS** for **SB 385** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 385** 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	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Dougherty	Quick	Russell—3
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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.

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 adopted **HCR 29**.

HOUSE CONCURRENT RESOLUTION NO. 29

WHEREAS, for more than a decade, the United States and other nations have pursued patient and honorable efforts to disarm the Iraqi regime without war; and

WHEREAS, on November 8, 2002, the United Nations Security Council approved Security Council Resolution 1441 under Chapter VII of the United Nations Charter by a vote of 15-0, giving Iraq “a final opportunity to comply with its disarmament obligations”; and

WHEREAS, on November 21, 2002, the North Atlantic Treaty Organization's North Atlantic Council unanimously approved a declaration stating, “We deplore Iraq's failure to comply fully with its obligations which were imposed as a necessary step to restore international peace and security and we recall that the Security Council has decided in its resolution to afford Iraq a final opportunity to comply with its disarmament obligations under

relevant resolutions of the Council.”; and;

WHEREAS, Iraq's conventional, chemical, biological, and nuclear weapons and ballistic missile programs and its demonstrated willingness to use weapons of mass destruction pose a grave threat to world peace; and

WHEREAS, Iraq is in material breach of United Nations Security Council resolutions, including United Nations Resolution 1441; and

WHEREAS, the clear and present danger posed by Saddam Hussein's regime requires a united response from the community of democracies; and

WHEREAS, the United States of America has the sovereign authority to use force in assuring its own national security; and

WHEREAS, pursuant to United Nations Resolutions 678 and 687 the United States and our allies are authorized to use force in ridding Iraq of weapons of mass destruction; and

WHEREAS, the President of the United States declared on March 17, 2003, that the decades of deceit and cruelty have reached an end and that Saddam Hussein and his sons must leave Iraq within 48 hours; and

WHEREAS, Saddam Hussein and his sons remain in Iraq and have rejected the President's demand; and

WHEREAS, the security of the world requires disarming Saddam Hussein without delay:

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 patriotically support the work to advance liberty and peace in the Iraqi region; and

BE IT FURTHER RESOLVED that the power and appeal of human liberty is felt in every life and every land, and the greatest power of freedom is to overcome hatred and violence, and turn the creative gifts of men and women to the pursuits of peace; and

BE IT FURTHER RESOLVED that free nations have a duty to defend their people by uniting against the violent and oppressive; and

BE IT FURTHER RESOLVED that we support our national leaders in bringing to justice Osama bin Laden and those responsible for terrorist attacks on United States soil and its citizens; and

BE IT FURTHER RESOLVED that now that the “moment of truth” is upon us, we, the members of the Missouri General Assembly, Ninety-second General Assembly, First Regular Session, express our strongest affirmation of support for the actions of the President and offer our unfettered dedication to all members of the

United States' armed forces; and

BE IT FURTHER RESOLVED that we hereby call upon all state-wide elected officials to publicly stand by us in unity as brothers and sisters in freedom in support of our resolutions proclaimed herein by sending a letter of support to the President of the United States and the members of the Missouri Congressional delegation; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for the President of the United States and the members of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

RESOLUTIONS

Senator Clemens offered Senate Resolution No. 476, regarding Wes Davidson, Seymour, which was adopted.

Senator Bland offered Senate Resolution No. 477, regarding Reverend Delmar A. White, Kansas City, which was adopted.

Senator Cauthorn offered Senate Resolution No. 478, regarding Blue Star Banner campaign, Mexico, which was adopted.

Senator Cauthorn offered Senate Resolution No. 479, regarding Sixtieth Wedding Anniversary of Mr. and Mrs. William Phillips, Mexico, which was adopted.

Senator Cauthorn offered Senate Resolution No. 480, regarding the One Hundredth Birthday of Rosemary Gabbert Musil, Louisiana, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senator Kinder, the President introduced to the Senate, Dean Sawyer and representatives of Farm Bureau Youth Leadership Day, Cape Girardeau County.

Senator Foster introduced to the Senate, Tyler Lewelling, Braggadocio.

Senator Scott introduced to the Senate, Sarah

Lesmeister and Samantha Rohaus, Lakeland; Kyleigh Mitchell and Jessica Bristow, Appleton City; and Colleen Wisner, Osceola.

Senator Caskey introduced to the Senate, Gary and Kendra Tolle, and their son, Evan, Sarah Rapp, Adam Bettels, Mark Tenholder, and Casey Osborne, representing Farm Bureau Youth Leadership Day, Bates County.

Senator Klindt introduced to the Senate, Michelle Chadwick, Danny Clevenger, Mitch Riley, Justin Harlow, and Keith Sutton, representing Farm Bureau Youth Leadership Day, Daviess County.

Senator Mathewson introduced to the Senate, Kay Wehmeyer, Sarah Fischer and Candace Meyer, Sedalia; and Sarah and Candace were made honorary pages.

Senator Cauthorn introduced to the Senate, John Unterbink, Jennifer Tooley, and Jessica LeGrand, Madison; Kyle Mitchell, Holliday; Mark Street, Perry; and Jamie Ebbesmeyer, Paris; representing Farm Bureau Youth Leadership Day.

Senator Cauthorn introduced to the Senate, Myrna Wear, Bethany Meyer, and Teri Wear, Lewis County.

Senator Steelman introduced to the Senate, David Day, representing Farm Bureau Youth Leadership Day, Pulaski County.

Senator Klindt introduced to the Senate, Thomas and Daisy Workman, representing Farm Bureau Youth Leadership Day, Maryville.

Senator Scott introduced to the Senate, Jerry Swkouaty, Brittaney Shelenhamer, and Michael Jones, Bolivar; and Lauren Shuler and Mary Dawn Drake, Fair Play; representing Farm Bureau Youth Leadership Day.

Senator Scott introduced to the Senate, Don Schmied, Terri Winkler, Magan Wright, Sam Moore, Jeff Hardison, and Scott Perry, representing Farm Bureau Youth Leadership Day, Dallas County.

Senator Dolan introduced to the Senate, Ashley Norton, Megan Isom, Brianna Schuster, Jodi Hasekamp, Paula Huslage, and Kristen Burkemper, representing Farm Bureau Youth Leadership Day, Lincoln County.

Senator Kinder introduced to the Senate, fourteen students from Deer Creek Christian School, Cape Girardeau.

Senator Klindt introduced to the Senate, Marc Spunaugle and Kyle Flannery, Maysville; and Amy Bray, Weatherby; representing Farm Bureau Youth Leadership Day.

Senator Clemens introduced to the Senate, Buck West, Megan Mickelson, Holly Knapp, Jamie Lee West, Jason Sterling, Gary Letterman, and Rick Huffman, representing Farm Bureau Youth Leadership Day, Webster County.

Senator Mathewson introduced to the Senate, Carol Stundebeck and representatives of Farm Bureau Youth Leadership Day, Chariton County; and Ashley Buffington, Jeff Parks, Natalie Reische, and Timmy Meissen were made honorary pages.

Senator Steelman introduced to the Senate, Casey Steinman, Heather Scott, Jesse Rollins, and Morgan Schiermier, representing Farm Bureau Youth Leadership Day, Maries County.

Senator Clemens introduced to the Senate, Tammy Lowery, Fair Grove; Heather Raines, and Lyndell Greer, Willard; Jason Ewing and Austin Thomas, Rogersville; and Erica Dean and Derek Golden, Ash Grove; representing Farm Bureau Youth Leadership Day.

Senator Griesheimer introduced to the Senate, Dennis and Dorothy Segelhorst, and six students representing Farm Bureau Youth Leadership Day, Franklin County.

Senator Klindt introduced to the Senate, Justine Finney, Natasha Harrington, Seth Fitzgerald, Leslie Ewigman, and Dana Lane, representing Farm Bureau Youth Leadership Day, Linn County.

Senator Cauthorn introduced to the Senate, Brenda Matheny, eighteen fourth grade students, and adults from Adair County R-I School, Novinger.

Senator Childers introduced to the Senate, Elizabeth Colley, Lindsey Lerchner, Emily Spellman, Jared Rolen, Foster Scott, Joe Elbert, and Boyd Arthur, representing Farm Bureau Youth Leadership Day, Lawrence County.

Senator Scott introduced to the Senate, Megan Jones, Kristy Boehler, Tonya Combs, Kevin Goth, Andrea Braun, Patty Boehler, and Scott Largent, Clinton.

Senator Scott introduced to the Senate, Amanda Bowman and Jessica Brontley, El Dorado Springs; and Jennifer Reynolds and Ryan Porterfield, Stockton.

Senator Klindt introduced to the Senate, Laura Riddle, Marta Pope, Kim Pfeiffer, Carla Reed, Kevin Swearngen, Thomas Christen, and Matthew Carter, representing Farm Bureau Youth Leadership Day, Sullivan County.

Senator Klindt introduced to the Senate, Justin Skipper, Dustin Thompson, Trish Judy, and Audrey Vadnais, Chillicothe; and Kimberly Maberry, Matthew Assel, and Mat Wever, Ludlow, representing Farm Bureau Youth Leadership Day.

Senator Mathewson introduced to the Senate, Rich Cole and students from the Student Success Center, Higginsville; and La Donna Nichols, Crystal Covey, and Crystal Brown were made honorary pages.

Senator Caskey introduced to the Senate, Darlene Buckstead, Nick Leake, and Nicole Bell, representing Farm Bureau Youth Leadership Day, Johnson County.

Senator Kennedy introduced to the Senate, eighth grade students from Kingston K-14 School, Cadet.

Senator Cauthorn introduced to the Senate, Kathy Chinn, Clarence; Rachel Saunders and Mark

O'Laughlin, Shelbina; Jenny Prange, Shelbyville; and Rebekah Hawkins, Emden.

Senator Cauthorn introduced to the Senate, Hannah Glass and Mayle Martin, Sturgeon; and LaVerne Flatt, Centralia; representing Farm Bureau Youth Leadership Day.

Senator Cauthorn introduced to the Senate, Levi Converse, Nicki Deimeke, Keith Deimeke, Travis Dixon, Erin Mattingly, and Wesley Tiemann, representing Farm Bureau Youth Leadership Day, Laddonia.

Senator Gibbons introduced to the Senate, Becky Wooldridge and sixty-two fourth grade students from North Glendale Elementary School, Glendale.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Kirt Nichols, M.D., Columbia.

On motion of Senator Gibbons, the Senate adjourned until 2:00 p.m., Monday, April 7, 2003.

SENATE CALENDAR

FORTY-EIGHTH DAY—MONDAY, APRIL 7, 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 375-Cooper (120)

HCS for HB 222

HS for HCS for HB 228-Pearce

HS for HB 197-Johnson (47)

HCS for HB 322

HCS for HB 427

HB 430-Stevenson, et al

HCS for HB 575

HB 599-Burnett, et al

HCS for HB 613

THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 481-Dolan
(In Fiscal Oversight)

SS for SCS for SB 410-Shields
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

1. SB 243-Yeckel

2. SBs 361, 103, 156 &
329-Steelman, with SCS

3. SB 28-Gross

4. SB 362-Steelman and Gross

5. SB 184-Bartle and Scott

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| 6. SB 38-Klindt, et al, with SCS | 20. SB 12-Kinder and Scott |
| 7. SB 241-Yeckel, with SCS | 21. SBs 248, 100, 118, 233, 247,
341 & 420-Gross, et al, with
SCS |
| 8. SB 476-Jacob | 22. SB 27-Gibbons, with SCS |
| 9. SB 460-Loudon | 23. SB 209-Steelman, et al,
with SCS |
| 10. SBs 381, 384, 432 & 9-
Dolan, with SCS | 24. SB 685-Gibbons, et al,
with SCS |
| 11. SB 39-Cauthorn, et al, with
SCA 1 | 25. SB 455-Dougherty and
Shields |
| 12. SB 199-Childers, with SCS | 26. SBs 343, 89, 134, 171,
240, 261, 331, 368, 369,
419, 484 & 581-Dolan,
with SCS |
| 13. SB 620-Loudon, et al, with SCS | 27. SB 446-Bartle, with SCS |
| 14. SB 416-Yeckel, with SCS | 28. SB 242-Yeckel, with SCA 1 |
| 15. SB 219-Steelman and Yeckel | |
| 16. SJR 13-Stoll | |
| 17. SB 555-Kinder and Foster, with SCS | |
| 18. SB 695-Goode and Russell | |
| 19. SB 693-Klindt, et al, with
SCS | |

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)
(In Fiscal Oversight)

HS for HCS for HB 321-
Wilson (130) (In Fiscal Oversight)

HCS for HBs 122 & 80
(In Fiscal Oversight)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 2-Russell, with SCS,
SS for SCS & SS#2 for
SS for SCS (pending)
SB 5-Caskey, with SCS
SB 18-Yeckel and Cauthorn,
with SCS & SS for SCS
(pending)
SB 24-Steelman, with SCS
& SS for SCS (pending)

SB 33-Loudon and Scott,
with SS (pending)
SB 51-Shields, with SS,
SS for SS & SA 1 (pending)
SB 69-Yeckel and Nodler,
with SCS (pending)
SB 112-Loudon, with SCS
SBs 125 & 290-Goode, with
SCS (pending)

SB 217-Champion and Clemens, with SS (pending)

SB 253-Steelman, et al, with SCS, SS for SCS & SA 1 (pending)

SB 300-Cauthorn, et al, with SCS

SB 305-Jacob and Steelman, with SS & point of order (pending)

SB 347-Loudon, et al, with SCS

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

SB 450-Mathewson, et al, with SCS, SS for SCS & SA 2 (pending)

SBs 556 & 311-Kinder, et al, with SCS, SS for SCS, SS for SS for SCS & SA 2 (pending)

HOUSE BILLS ON THIRD READING

HCS for HB 221, with SCS (Yeckel)

HB 412-Goodman, et al (Childers)

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CONSENT CALENDAR

Senate Bills

Reported 2/10

Journal

SB 62-Caskey

Reported 3/4

SB 468-Bartle

Reported 3/13

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

SB 694-Klindt
SB 490-Dolan

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS, SS
for SCS & SA 1 (pending)
SCR 7-Gross, et al, with SCA 1

SCR 13-Nodler and Gibbons, with SCS
SCR 2-Bland
SCR 5-Cauthorn, et al

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