

Journal of the Senate

FIRST REGULAR SESSION

FIFTIETH DAY—WEDNESDAY, APRIL 9, 2003

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“And God shall wipe away all tears from their eyes; and there shall be no more death.” (Revelations 21:4)

Loving Father, we see the possibility of peace and pray it will quickly settle in in Iraq, yet we are mindful that families like ours grieve and worry and cry over those whom they have lost and who are missing. We pray for such families and as we do, we draw our own families closer to us realizing how important they are to us. Let us be more loving to one another, find compassion for our enemies and seek You in whom life exists forever. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Photographers from the Associated Press and KOMU-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 Cauthorn offered Senate Resolution No. 530, regarding Walt Thompson, Macon, which was adopted.

Senator Cauthorn offered Senate Resolution No. 531, regarding Lois McQuitty, Macon, which was adopted.

Senator Cauthorn offered Senate Resolution No. 532, regarding Marilyn Hartung, Macon, which was adopted.

Senators Dolan and Gross offered Senate Resolution No. 533, regarding Francis Howell R-III School District, St. Charles, which was adopted.

Senator Loudon offered Senate Resolution No.

534, regarding Colonel Kimberly Ann Weaver, Commander of the 648th Area Support Group, St. Louis, which was adopted.

SENATE BILLS FOR PERFECTION

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

President Maxwell assumed the Chair.

SS No. 2 for **SS** for **SCS** for **SB 2** was again taken up.

Senator Shields assumed the Chair.

Senator Jacob offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 10, Section 288.040, Line 23, by striking all of the words after the word “work.”; and further amend said bill, section 288.040, page 10, lines 24-29, by striking all of said lines; and further amend said bill, section 288.040, page 11, lines 1-22, by striking all of said lines; and further amend said bill, page 20, section 288.050, line 27, by striking all of the words after the word “amount”; and further amend said bill, section 288.050, lines 28-29, by striking all of said lines; and further amend said bill, page 21, section 288.050, lines 1-29, by striking all of said lines.

Senator Jacob moved that the above amendment be adopted.

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

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

Amend Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 11, Section 288.040, Lines

5-22, by striking all of said lines and insert in lieu thereof the following: “**discharge.**”; and further amend said bill, page 21, section 288.050, lines 12-29, by striking all of said lines, and insert in lieu thereof the following: “**or of the employee’s duties and obligations to the employer.**”.

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

Senator Loudon offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute No. 2 for Senate Substitute for Senate Committee Substitute for Senate Bill No. 2, Page 7, Section 288.036, Line 10, by inserting immediately after the word “fund.” the following: “**Nothing in this section shall be construed to prevent the wage base from increasing or decreasing by increments of five hundred dollars.**”.

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

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

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

HOUSE BILLS ON SECOND READING

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

HCS for **HBs 346** and **174**—Education.

RE-REFERRALS

President Pro Tem Kinder re-referred **HCS** for **HB 380** to the Committee on Financial and Governmental Organization, Veterans’ Affairs and Elections.

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 President Pro Tem Kinder.

Senator Shields assumed the Chair.

CONCURRENT RESOLUTIONS

Senator Cauthorn moved that **SCR 5** be taken up for adoption, which motion prevailed.

On motion of Senator Cauthorn, **SCR 5** was adopted by the following vote:

YEAS—Senators

Bartle	Caskey	Cauthorn	Childers
Clemens	Foster	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler—22		

NAYS—Senators

Bland	Bray	Coleman	Days—4
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Absent—Senators

Champion	Dolan	Dougherty	Goode
Mathewson	Quick	Yeckel—7	

Absent with leave—Senator DePasco—1

President Maxwell assumed the Chair.

Senator Gibbons moved that **SCR 12** be taken up for adoption, which motion prevailed.

On motion of Senator Gibbons, **SCR 12** was adopted by the following vote:

YEAS—Senators

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

NAYS—Senator Bland—1

Absent—Senators

Clemens	Dolan	Quick	Russell
Stoll—5			

Absent with leave—Senator DePasco—1

REPORTS OF STANDING COMMITTEES

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 were referred **HCS** for **HB 73**; **HCS** for **HBs 122** and **80**; and **SS** for **SCS** for **SB 410**, begs leave to report that it has considered the same and recommends that the bills do pass.

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SS** for **SCS** for **SBs 556** and **311**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

REFERRALS

President Pro Tem Kinder referred **SS** for **SS** for **SCS** for **SBs 556** and **311** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Caskey moved that **SB 5**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 5**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 5**

An Act to repeal sections 217.362, 217.760, 513.653, 557.036, 558.011, 558.016, 558.019,

559.026, 559.115, and 570.040, RSMo, and to enact in lieu thereof eleven new sections relating to various sentencing provisions, with penalty provisions.

Was taken up.

Senator Caskey moved that **SCS** for **SB 5** be adopted.

Senator Caskey offered **SS** for **SCS** for **SB 5**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 5

An Act to repeal sections 217.362, 217.750, 217.760, 513.653, 557.036, 558.011, 558.016, 558.019, 559.026, 559.115, 568.045, 570.030, and 570.040, RSMo, and to enact in lieu thereof thirteen new sections relating to various sentencing provisions, with penalty provisions.

Senator Caskey moved that **SS** for **SCS** for **SB 5** be adopted.

Senators Jacob and Vogel offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 5, Section 217.760, Line 2 of said page, by inserting after all of said line the following:

“478.610. 1. There shall be three circuit judges in the thirteenth judicial circuit consisting of the counties of Boone and Callaway. These judges shall sit in divisions numbered one, two and three. **Beginning on January 1, 2007, there shall be four circuit judges in the thirteenth judicial circuit and these judges shall sit in divisions numbered one, two, three, and four.**

2. The circuit judge in division two shall be elected in 1980. The circuit judges in divisions one and three shall be elected in 1982. **The circuit judge in division four shall be elected in 2006 for a two-year term and thereafter in 2008 for a**

full six-year term.

3. The authority for a majority of judges of the thirteenth judicial circuit to appoint or retain a commissioner pursuant to section 478.003 shall expire August 28, 2001. As of such date, there shall be one additional associate circuit judge position in Boone County than is provided pursuant to section 478.320.”; and

Further amend the title and enacting clause accordingly.

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

Senator Days offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 3, Section 217.362, Line 19 of said page, by inserting after all of said line the following:

“217.730. 1. The period served on parole, except for judicial parole granted or revoked pursuant to section 559.100, RSMo, shall be deemed service of the term of imprisonment and, subject to the provisions of section 217.720 relating to an offender who is or has been a fugitive from justice, the total time served may not exceed the maximum term or sentence.

2. When an offender on parole or conditional release, before the expiration of the term for which the offender was sentenced, has performed the obligation of his parole for such time as satisfies the board that his final release is not incompatible with the best interest of society and the welfare of the individual, the board may make a final order of discharge and issue a certificate of discharge to the offender. No such order of discharge shall be made in any case less than three years after the date on which the offender was paroled or conditionally released except where the sentence expires earlier.

3. **Upon final discharge, persons shall be informed in writing on the process and procedure to register to vote.”**; and

Further amend the title and enacting clause accordingly.

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

Senator Bartle offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 23, Section 559.115, Line 1 of said page, by inserting after all of said line the following:

“565.305. 1. As used in this section, the following words and phrases shall mean:

(1) **“Clone a human being” or “cloning a human being”, the creation of a human being by any means other than by the fertilization of a naturally intact oocyte of a human female by a naturally intact sperm of a human male;**

(2) **“Cloned human being”, a human being created by human cloning;**

(3) **“Public employee”, any person employed by the state of Missouri or any agency or political subdivision thereof;**

(4) **“Public facilities”, any public institution, public facility, public equipment, or any physical asset owned, leased, or controlled by the state of Missouri or any agency or political subdivision thereof;**

(5) **“Public funds”, any funds received or controlled by the state of Missouri or any agency or political subdivision thereof, including, but not limited to, funds derived from federal, state or local taxes, gifts or grants from any source, public or private, federal grants or payments, or intergovernmental transfers.**

2. No person shall knowingly clone a human being, or participate in cloning a human being.

3. No person shall knowingly use public funds to clone a human being or attempt to

clone a human being.

4. No person shall knowingly use public facilities to clone a human being or attempt to clone a human being.

5. No public employee shall knowingly allow any person to clone a human being or attempt to clone a human being while making use of public funds or public facilities.

6. Violation of subsections 2 to 5 of this section shall be a class B felony.”; and

Further amend the title and enacting clause accordingly.

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

Senator Childers assumed the Chair.

Senator Dougherty offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 3, Section 217.362, Line 19 of said page, by inserting after all of said line the following:

“217.541. 1. The department shall by rule establish a program of house arrest. The director or his designee may extend the limits of confinement of offenders serving sentences for class C or D felonies who have [one year] two years or less remaining prior to release on parole, conditional release, or discharge to participate in the house arrest program.

2. The offender referred to the house arrest program shall remain in the custody of the department and shall be subject to rules and regulations of the department pertaining to offenders of the department until released on parole or conditional release by the state board of probation and parole.

3. The department shall require the offender to participate in work or educational or vocational programs and other activities that may be necessary to the supervision and treatment of the offender.

4. An offender released to house arrest shall be authorized to leave his place of residence only for the purpose and time necessary to participate in the program and activities authorized in subsection 3 of this section.

5. The board of probation and parole shall supervise every offender released to the house arrest program and shall verify compliance with the requirements of this section and such other rules and regulations that the department shall promulgate and may do so by remote electronic surveillance. If any probation/parole officer has probable cause to believe that an offender under house arrest has violated a condition of the house arrest agreement, the probation/parole officer may issue a warrant for the arrest of the offender. The probation/parole officer may effect the arrest or may deputize any officer with the power of arrest to do so by giving the officer a copy of the warrant which shall outline the circumstances of the alleged violation. The warrant delivered with the offender by the arresting officer to the official in charge of any jail or other detention facility to which the offender is brought shall be sufficient legal authority for detaining the offender. An offender arrested under this section shall remain in custody or incarcerated without consideration of bail. The director or his designee, upon recommendation of the probation and parole officer, may direct the return of any offender from house arrest to a correctional facility of the department for reclassification.

6. Each offender who is released to house arrest shall pay a percentage of his wages, established by department rules, to a maximum of the per capita cost of the house arrest program. The money received from the offender shall be deposited in the inmate fund and shall be expended to support the house arrest program.”; and

Further amend the title and enacting clause accordingly.

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

Senator Jacob offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 23, Section 559.115, Line 1 of said page, by inserting immediately after said line the following:

“559.615. **1.** No judge, nor any person related within the third degree of consanguinity or affinity to a judge or any other county elected official with direct court supervision responsibilities, may have a material financial interest in any private entity which contracts to provide probation supervision or rehabilitation services pursuant to sections 559.600 to 559.615.

2. No person who provides assessment services or who makes a report, finding, or recommendation for any probationer to attend any counseling or other program as a condition or requirement of probation, may be related within the third degree of consanguinity or affinity to any person who has any financial interest, whether direct or indirect, in the counseling or other program or any financial interest, whether direct or indirect, in any private entity which provides the counseling or other program. Any person who violates this subsection shall thereafter:

(1) Immediately remit to the state of Missouri any financial income gained as a direct or indirect result of the action constituting the violation;

(2) Be prohibited from providing assessment or counseling services to or for the state board of probation and parole or any office thereof; and

(3) Be prohibited from having any financial interest, whether direct or indirect, in any private entity which provides assessment, counseling, or other services to the state board of probation and parole or any office thereof.”; and

Further amend the title and enacting clause accordingly.

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

Senator Wheeler offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 23, Section 559.115, Line 1, by inserting after all of said line the following:

“565.350. 1. Any pharmacist licensed pursuant to chapter 338, RSMo, commits the crime of tampering with a prescription or a prescription drug order as defined in section 338.095, RSMo, if such person knowingly:

(1) Causes the intentional adulteration of the concentration or chemical structure of a prescribed drug or drug therapy without the knowledge and consent of the prescribing practitioner;

(2) Misrepresents a misbranded, altered, or diluted prescription drug or drug therapy with the purpose of misleading the recipient or the administering person of the prescription drug or drug therapy; or

(3) Sells a misbranded, altered, or diluted prescription drug therapy with the intention of misleading the purchaser.

2. Tampering with a prescription drug order is a class A felony.”; and

Further amend the title and enacting clause accordingly.

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

Senator Caskey offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 513.653, Line 16 of said page, by inserting after all

of said line the following:

“556.061. In this code, unless the context requires a different definition, the following shall apply:

(1) “Affirmative defense” has the meaning specified in section 556.056;

(2) “Burden of injecting the issue” has the meaning specified in section 556.051;

(3) “Commercial film and photographic print processor”, any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency;

(4) “Confinement”:

(a) A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court, and remains in confinement until:

a. A court orders the person's release; or

b. The person is released on bail, bond, or recognizance, personal or otherwise; or

c. A public servant having the legal power and duty to confine the person authorizes his release without guard and without condition that he return to confinement;

(b) A person is not in confinement if:

a. The person is on probation or parole, temporary or otherwise; or

b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement;

(5) “Consent”: consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

(a) It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or

(b) It is given by a person who by reason of youth, mental disease or defect, or intoxication, is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

(c) It is induced by force, duress or deception;

(6) “Criminal negligence” has the meaning specified in section 562.016, RSMo;

(7) “Custody”, a person is in custody when the person has been arrested but has not been delivered to a place of confinement;

(8) “Dangerous felony” means the felonies of arson in the first degree, assault in the first degree, attempted forcible rape if physical injury results, attempted forcible sodomy if physical injury results, forcible rape, forcible sodomy, kidnapping, murder in the second degree [and], **assault of a law enforcement officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, and** robbery in the first degree;

(9) “Dangerous instrument” means any instrument, article or substance, which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury;

(10) “Deadly weapon” means any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged, or a switchblade knife, dagger, billy, blackjack or metal knuckles;

(11) “Felony” has the meaning specified in section 556.016;

(12) “Forcible compulsion” means either:

(a) Physical force that overcomes reasonable resistance; or

(b) A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of such person or another person;

(13) “Incapacitated” means that physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of such person's conduct, or unable to communicate unwillingness to an act. A person is not incapacitated with respect to an act committed upon such person if he or she became unconscious, unable to appraise the nature of such person's conduct or unable to communicate unwillingness to an act, after consenting to the act;

(14) “Infraction” has the meaning specified in section 556.021;

(15) “Inhabitable structure” has the meaning specified in section 569.010, RSMo;

(16) “Knowingly” has the meaning specified in section 562.016, RSMo;

(17) “Law enforcement officer” means any public servant having both the power and duty to make arrests for violations of the laws of this state, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States;

(18) “Misdemeanor” has the meaning specified in section 556.016;

(19) “Offense” means any felony, misdemeanor or infraction;

(20) “Physical injury” means physical pain, illness, or any impairment of physical condition;

(21) “Place of confinement” means any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held;

(22) “Possess” or “possessed” means having

actual or constructive possession of an object with knowledge of its presence. A person has actual possession if such person has the object on his or her person or within easy reach and convenient control. A person has constructive possession if such person has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one person alone has possession of an object, possession is sole. If two or more persons share possession of an object, possession is joint;

(23) “Public servant” means any person employed in any way by a government of this state who is compensated by the government by reason of such person's employment, any person appointed to a position with any government of this state, or any person elected to a position with any government of this state. It includes, but is not limited to, legislators, jurors, members of the judiciary and law enforcement officers. It does not include witnesses;

(24) “Purposely” has the meaning specified in section 562.016, RSMo;

(25) “Recklessly” has the meaning specified in section 562.016, RSMo;

(26) “Ritual” or “ceremony” means an act or series of acts performed by two or more persons as part of an established or prescribed pattern of activity;

(27) “Serious emotional injury”, an injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty;

(28) “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;

(29) “Sexual conduct” means acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification;

(30) “Sexual contact” means any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person;

(31) “Sexual performance”, any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen years of age;

(32) “Voluntary act” has the meaning specified in section 562.011, RSMo.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bland offered SA 8:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 15, Section 558.019, Line 15, by striking the word “eleven” and inserting in lieu thereof the following: “**thirteen**”; and further amend line 18, by striking the word “Six” and inserting in lieu thereof the following: “**Eight**”; and further amend line 20, by striking “private citizens” and inserting in lieu thereof the following: “**four private citizens, two from urban and two from rural areas of the state**”; and further amend page 16, line 7, by inserting after “therefor” the following: “**sentences are comparable to other states, if the length of the sentence is appropriate, and the rate of rehabilitation based on sentence**”; and

Further amend said bill and section, Page 16, Lines 24 to 29 and Page 17, Lines 1 and 2, by

striking all of said lines and inserting in lieu thereof the following:

“(4) The commission shall study alternative sentences, prison work programs, work release, home-based incarceration, probation and parole options, and any other programs and report the feasibility of these options in Missouri.

(5) The commission shall publish and distribute its [system of recommended sentences] recommendations on or before July 1, [1995] 2004. The commission shall study the implementation and use of the [system of recommended sentences] recommendations until July 1, [1998] 2005, and return a [final] report to the governor, the speaker of the house of representatives, and the president pro tem of the senate. Following the July 1, [1998] 2005, report, the commission [may] shall revise the recommended sentences every [three] two years.”; and further amend said section by renumbering the remaining subdivisions accordingly; and

Further amend said bill and section, Page 18, Line 17, by striking the following: “1994” and inserting in lieu thereof the following: “2003”.

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

Senator Quick offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 23, Section 559.115, Line 1, by inserting after all of said line the following:

“565.004. 1. Each homicide offense which is lawfully joined in the same indictment or information together with any homicide offense or offense other than a homicide shall be charged together with such offense in separate counts. A count charging any offense of homicide may only be charged and tried together with one or more counts of any other homicide or offense other than a homicide as provided in subsection 2 of section 545.140, RSMo. Except as provided in subsections 2, 3, and 4 of this section, no murder in the first

degree offense may be tried together with any offense other than murder in the first degree. In the event of a joinder of homicide offenses, all offenses charged which are supported by the evidence in the case, together with all proper lesser offenses under section 565.025, shall, when requested by one of the parties or the court, be submitted to the jury or, in a jury-waived trial, considered by the judge.

2. A count charging any offense of homicide of a particular individual may be joined in an indictment or information and tried with one or more counts charging alternatively any other homicide or offense other than a homicide committed against that individual. The state shall not be required to make an election as to the alternative count on which it will proceed. This subsection in no way limits the right to try in the conjunctive, where they are properly joined under subsection 1 of this section, either separate offenses other than murder in the first degree or separate offenses of murder in the first degree committed against different individuals.

3. When a defendant has been charged and proven before trial to be a prior offender pursuant to chapter 558, RSMo, so that the judge shall assess punishment and not a jury for an offense other than murder in the first degree, that offense may be tried and submitted to the trier together with any murder in the first degree charge with which it is lawfully joined. In such case the judge will assess punishment on any offense joined with a murder in the first degree charge according to law and, when the trier is a jury, it shall be instructed upon punishment on the charge of murder in the first degree in accordance with section 565.030.

[4. When the state waives the death penalty for a murder first degree offense, that offense may be tried and submitted to the trier together with any other charge with which it is lawfully joined.]

565.006. 1. At any time before the commencement of the trial of a homicide offense, the defendant may, with the assent of the court, waive a trial by jury and agree to submit all issues

in the case to the court, whose finding shall have the force and effect of a verdict of a jury. Such a waiver must include a waiver of a trial by jury of all issues and offenses charged in the case, including the punishment to be assessed and imposed if the defendant is found guilty.

2. No defendant who pleads guilty to a homicide offense or who is found guilty of a homicide offense after trial to the court without a jury shall be permitted a trial by jury on the issue of the punishment to be imposed, except by agreement of the state.

3. [If a defendant is found guilty of murder in the first degree after a jury trial in which the state has not waived the death penalty, the defendant may not waive a jury trial of the issue of the punishment to be imposed, except by agreement with the state and the court.

4.] Any waiver of a jury trial and agreement permitted by this section shall be entered in the court record.

565.020. 1. A person commits the crime of murder in the first degree if [he] **such person** knowingly causes the death of another person after deliberation upon the matter.

2. Murder in the first degree is a class A felony, and the punishment shall be [either death or] imprisonment for life without eligibility for probation or parole, or release except by act of the governor[; except that, if a person has not reached his sixteenth birthday at the time of the commission of the crime, the punishment shall be imprisonment for life without eligibility for probation or parole, or release except by act of the governor].

565.040. [1. In the event that the death penalty provided in this chapter is held to be unconstitutional,] Any person convicted of murder in the first degree [shall be] **and** sentenced by the court to **death hereafter has such sentence commuted to** life imprisonment without eligibility for probation, parole, or release except by act of the

governor[, with the exception that when a specific aggravating circumstance found in a case is held to be unconstitutional or invalid for another reason, the supreme court of Missouri is further authorized to remand the case for resentencing or retrial of the punishment pursuant to subsection 5 of section 565.036.

2. In the event that any death sentence imposed pursuant to this chapter is held to be unconstitutional, the trial court which previously sentenced the defendant to death shall cause the defendant to be brought before the court and shall sentence the defendant to life imprisonment without eligibility for probation, parole, or release except by act of the governor, with the exception that when a specific aggravating circumstance found in a case is held to be inapplicable, unconstitutional or invalid for another reason, the supreme court of Missouri is further authorized to remand the case for retrial of the punishment pursuant to subsection 5 of section 565.035].”; and

Further amend said bill, Page 27, Section 570.040, Line 12, by inserting after all of said line the following:

“[546.680. When judgment of death is rendered by any court of competent jurisdiction, a warrant signed by the judge and attested by the clerk under the seal of the court must be drawn and delivered to the sheriff. It must state the conviction and judgment and appoint a day on which the judgment must be executed, which must not be less than thirty nor more than sixty days from the date of judgment, and must direct the sheriff to deliver the defendant, at a time specified in said order, not more than ten days from the date of judgment, to the chief administrative officer of a correctional facility of the department of corrections, for execution.]

[546.690. The judge of a court at which a conviction is had must,

immediately after the conviction, transmit to the governor of the state, by mail or otherwise, a statement of the conviction and judgment.]

[546.700. Whenever, for any reason, any convict sentenced to the punishment of death shall not have been executed pursuant to such sentence, and the cause shall stand in full force, the supreme court, or the court of the county in which the conviction was had, on the application of the prosecuting attorney, shall issue a writ of habeas corpus to bring such convict before the court; or if he be at large, a warrant for his apprehension may be issued by such court, or any judge thereof.]

[546.710. Upon such convicted offender being brought before the court, they shall proceed to inquire into the facts, and if no legal reasons exist against the execution of sentence, such court shall issue a warrant to the director of the department of corrections, for the execution of the prisoner at the time therein specified, which execution shall be obeyed by the director accordingly.]

[546.720. The manner of inflicting the punishment of death shall be by the administration of lethal gas or by means of the administration of lethal injection. And for such purpose the director of the department of corrections is hereby authorized and directed to provide a suitable and efficient room or place, enclosed from public view, within the walls of a correctional facility of the department of corrections, and the necessary appliances for carrying into execution the death penalty by means of the administration of lethal gas or by means of the administration of lethal injection.]

[546.730. A judgment of death must be executed within a correctional center of the department of corrections; and such execution shall be under the supervision and direction of the director of the department of corrections.]

[546.740. The chief administrative officer of the correctional center, or his duly appointed representative shall be present at the execution and the director of the department of corrections shall invite the presence of the attorney general of the state, and at least eight reputable citizens, to be selected by him; and he shall at the request of the defendant, permit such clergy or religious leaders, not exceeding two, as the defendant may name, and any person, other than another incarcerated offender, relatives or friends, not to exceed five, to be present at the execution, together with such peace officers as he may think expedient, to witness the execution; but no person under twenty-one years of age shall be allowed to witness the execution.]

[546.750. After the execution the chief administrative officer of the correctional facility shall make a return upon the death warrant to the court by which the judgment was rendered, showing the time, mode and manner in which it was executed.]

[546.800. If, after any female convict shall be sentenced to the punishment of death, the officer having charge of her person shall have reason to suspect that she is pregnant, he shall in like manner summon a jury of six persons, not less than three of whom shall be physicians, and shall give notice thereof to the prosecuting attorney of the county where such criminal proceedings originated, or to the circuit attorney of the city of St.

Louis, if such criminal proceedings originated in that city, who shall attend, and the proceedings shall be had as provided.]

[546.810. The inquisition shall be signed by the jury and the officer in charge of such convict, and if it appear that such female convict is pregnant with child, her execution shall be suspended and the inquisition shall be transmitted to the governor.]

[546.820. Whenever the governor shall be satisfied that the cause of such suspension no longer exists, he shall issue his warrant, appointing a day for the execution of such convict, pursuant to her sentence; or he may, at his discretion, commute her punishment to imprisonment in the penitentiary for life.]

[565.030. 1. Where murder in the first degree is charged but not submitted or where the state waives the death penalty, the submission to the trier and all subsequent proceedings in the case shall proceed as in all other criminal cases with a single stage trial in which guilt and punishment are submitted together.

2. Where murder in the first degree is submitted to the trier without a waiver of the death penalty, the trial shall proceed in two stages before the same trier. At the first stage the trier shall decide only whether the defendant is guilty or not guilty of any submitted offense. The issue of punishment shall not be submitted to the trier at the first stage. If an offense is charged other than murder in the first degree in a count together with a count of murder in the first degree, the trial judge shall assess punishment on any such offense according to law, after the defendant is found guilty of such offense and after he

finds the defendant to be a prior offender pursuant to chapter 558, RSMo.

3. If murder in the first degree is submitted and the death penalty was not waived but the trier finds the defendant guilty of a lesser homicide, a second stage of the trial shall proceed at which the only issue shall be the punishment to be assessed and declared. No further evidence shall be received. If the trier is a jury it shall be instructed on the law. The attorneys may then argue as in other criminal cases the issue of punishment, after which the trier shall assess and declare the punishment as in all other criminal cases.

4. If the trier at the first stage of a trial where the death penalty was not waived finds the defendant guilty of murder in the first degree, a second stage of the trial shall proceed at which the only issue shall be the punishment to be assessed and declared. Evidence in aggravation and mitigation of punishment, including but not limited to evidence supporting any of the aggravating or mitigating circumstances listed in subsection 2 or 3 of section 565.032, may be presented subject to the rules of evidence at criminal trials. Such evidence may include, within the discretion of the court, evidence concerning the murder victim and the impact of the crime upon the family of the victim and others. Rebuttal and surrebuttal evidence may be presented. The state shall be the first to proceed. If the trier is a jury it shall be instructed on the law. The attorneys may then argue the issue of punishment to the jury, and the state shall have the right to open and close the argument. The trier shall assess and declare the punishment at life imprisonment without eligibility for

probation, parole, or release except by act of the governor:

(1) If the trier finds by a preponderance of the evidence that the defendant is mentally retarded; or

(2) If the trier does not find beyond a reasonable doubt at least one of the statutory aggravating circumstances set out in subsection 2 of section 565.032; or

(3) If the trier concludes that there is evidence in mitigation of punishment, including but not limited to evidence supporting the statutory mitigating circumstances listed in subsection 3 of section 565.032, which is sufficient to outweigh the evidence in aggravation of punishment found by the trier; or

(4) If the trier decides under all of the circumstances not to assess and declare the punishment at death. If the trier is a jury it shall be so instructed.

If the trier assesses and declares the punishment at death it shall, in its findings or verdict, set out in writing the aggravating circumstance or circumstances listed in subsection 2 of section 565.032 which it found beyond a reasonable doubt. If the trier is a jury it shall be instructed before the case is submitted that if it is unable to decide or agree upon the punishment the court shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the governor or death. The court shall follow the same procedure as set out in this section whenever it is required to determine punishment for murder in the first degree.

5. Upon written agreement of the parties and with leave of the court, the issue of the defendant's mental

retardation may be taken up by the court and decided prior to trial without prejudicing the defendant's right to have the issue submitted to the trier of fact as provided in subsection 4 of this section.

6. As used in this section, the terms "mental retardation" or "mentally retarded" refer to a condition involving substantial limitations in general functioning characterized by significantly subaverage intellectual functioning with continual extensive related deficits and limitations in two or more adaptive behaviors such as communication, self-care, home living, social skills, community use, self-direction, health and safety, functional academics, leisure and work, which conditions are manifested and documented before eighteen years of age.

7. The provisions of this section shall only govern offenses committed on or after August 28, 2001.]

[565.032. 1. In all cases of murder in the first degree for which the death penalty is authorized, the judge in a jury-waived trial shall consider, or he shall include in his instructions to the jury for it to consider:

(1) Whether a statutory aggravating circumstance or circumstances enumerated in subsection 2 of this section is established by the evidence beyond a reasonable doubt; and

(2) If a statutory aggravating circumstance or circumstances is proven beyond a reasonable doubt, whether the evidence as a whole justifies a sentence of death or a sentence of life imprisonment without eligibility for probation, parole, or release except by act of the governor. In determining the issues

enumerated in subdivisions (1) and (2) of this subsection, the trier shall consider all evidence which it finds to be in aggravation or mitigation of punishment, including evidence received during the first stage of the trial and evidence supporting any of the statutory aggravating or mitigating circumstances set out in subsections 2 and 3 of this section. If the trier is a jury, it shall not be instructed upon any specific evidence which may be in aggravation or mitigation of punishment, but shall be instructed that each juror shall consider any evidence which he considers to be aggravating or mitigating.

2. Statutory aggravating circumstances for a murder in the first degree offense shall be limited to the following:

(1) The offense was committed by a person with a prior record of conviction for murder in the first degree, or the offense was committed by a person who has one or more serious assaultive criminal convictions;

(2) The murder in the first degree offense was committed while the offender was engaged in the commission or attempted commission of another unlawful homicide;

(3) The offender by his act of murder in the first degree knowingly created a great risk of death to more than one person by means of a weapon or device which would normally be hazardous to the lives of more than one person;

(4) The offender committed the offense of murder in the first degree for himself or another, for the purpose of receiving money or any other thing of monetary value from the victim of the murder or another;

(5) The murder in the first degree

was committed against a judicial officer, former judicial officer, prosecuting attorney or former prosecuting attorney, circuit attorney or former circuit attorney, assistant prosecuting attorney or former assistant prosecuting attorney, assistant circuit attorney or former assistant circuit attorney, peace officer or former peace officer, elected official or former elected official during or because of the exercise of his official duty;

(6) The offender caused or directed another to commit murder in the first degree or committed murder in the first degree as an agent or employee of another person;

(7) The murder in the first degree was outrageously or wantonly vile, horrible or inhuman in that it involved torture, or depravity of mind;

(8) The murder in the first degree was committed against any peace officer, or fireman while engaged in the performance of his official duty;

(9) The murder in the first degree was committed by a person in, or who has escaped from, the lawful custody of a peace officer or place of lawful confinement;

(10) The murder in the first degree was committed for the purpose of avoiding, interfering with, or preventing a lawful arrest or custody in a place of lawful confinement, of himself or another;

(11) The murder in the first degree was committed while the defendant was engaged in the perpetration or was aiding or encouraging another person to perpetrate or attempt to perpetrate a felony of any degree of rape, sodomy, burglary, robbery, kidnapping, or any felony offense in chapter 195, RSMo;

(12) The murdered individual was a witness or potential witness in any past or pending investigation or past or pending prosecution, and was killed as a result of his status as a witness or potential witness;

(13) The murdered individual was an employee of an institution or facility of the department of corrections of this state or local correction agency and was killed in the course of performing his official duties, or the murdered individual was an inmate of such institution or facility;

(14) The murdered individual was killed as a result of the hijacking of an airplane, train, ship, bus or other public conveyance;

(15) The murder was committed for the purpose of concealing or attempting to conceal any felony offense defined in chapter 195, RSMo;

(16) The murder was committed for the purpose of causing or attempting to cause a person to refrain from initiating or aiding in the prosecution of a felony offense defined in chapter 195, RSMo;

(17) The murder was committed during the commission of a crime which is part of a pattern of criminal street gang activity as defined in section 578.421.

3. Statutory mitigating circumstances shall include the following:

(1) The defendant has no significant history of prior criminal activity;

(2) The murder in the first degree was committed while the defendant was under the influence of extreme mental or emotional disturbance;

(3) The victim was a participant in the defendant's conduct or consented to the act;

(4) The defendant was an accomplice in the murder in the first degree committed by another person and his participation was relatively minor;

(5) The defendant acted under extreme duress or under the substantial domination of another person;

(6) The capacity of the defendant to appreciate the criminality of his conduct or to conform his conduct to the requirements of law was substantially impaired;

(7) The age of the defendant at the time of the crime.]

[565.035. 1. Whenever the death penalty is imposed in any case, and upon the judgment becoming final in the trial court, the sentence shall be reviewed on the record by the supreme court of Missouri. The circuit clerk of the court trying the case, within ten days after receiving the transcript, shall transmit the entire record and transcript to the supreme court together with a notice prepared by the circuit clerk and a report prepared by the trial judge. The notice shall set forth the title and docket number of the case, the name of the defendant and the name and address of his attorney, a narrative statement of the judgment, the offense, and the punishment prescribed. The report by the judge shall be in the form of a standard questionnaire prepared and supplied by the supreme court of Missouri.

2. The supreme court of Missouri shall consider the punishment as well as any errors enumerated by way of appeal.

3. With regard to the sentence, the supreme court shall determine:

(1) Whether the sentence of death was imposed under the influence of

passion, prejudice, or any other arbitrary factor; and

(2) Whether the evidence supports the jury's or judge's finding of a statutory aggravating circumstance as enumerated in subsection 2 of section 565.032 and any other circumstance found;

(3) Whether the sentence of death is excessive or disproportionate to the penalty imposed in similar cases, considering both the crime, the strength of the evidence and the defendant.

4. Both the defendant and the state shall have the right to submit briefs within the time provided by the supreme court, and to present oral argument to the supreme court.

5. The supreme court shall include in its decision a reference to those similar cases which it took into consideration. In addition to its authority regarding correction of errors, the supreme court, with regard to review of death sentences, shall be authorized to:

(1) Affirm the sentence of death; or

(2) Set the sentence aside and resentence the defendant to life imprisonment without eligibility for probation, parole, or release except by act of the governor; or

(3) Set the sentence aside and remand the case for retrial of the punishment hearing. A new jury shall be selected or a jury may be waived by agreement of both parties and then the punishment trial shall proceed in accordance with this chapter, with the exception that the evidence of the guilty verdict shall be admissible in the new trial together with the official transcript of any testimony and evidence properly admitted in each stage of the original trial

where relevant to determine punishment.

6. There shall be an assistant to the supreme court, who shall be an attorney appointed by the supreme court and who shall serve at the pleasure of the court. The court shall accumulate the records of all cases in which the sentence of death or life imprisonment without probation or parole was imposed after May 26, 1977, or such earlier date as the court may deem appropriate. The assistant shall provide the court with whatever extracted information the court desires with respect thereto, including but not limited to a synopsis or brief of the facts in the record concerning the crime and the defendant. The court shall be authorized to employ an appropriate staff, within the limits of appropriations made for that purpose, and such methods to compile such data as are deemed by the supreme court to be appropriate and relevant to the statutory questions concerning the validity of the sentence. The office of the assistant to the supreme court shall be attached to the office of the clerk of the supreme court for administrative purposes.

7. In addition to the mandatory sentence review, there shall be a right of direct appeal of the conviction to the supreme court of Missouri. This right of appeal may be waived by the defendant. If an appeal is taken, the appeal and the sentence review shall be consolidated for consideration. The court shall render its decision on legal errors enumerated, the factual substantiation of the verdict, and the validity of the sentence.]"; and

Further amend the title and enacting clause accordingly.

Senator Quick moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of **SA 9** and was joined in his request by Senators Bartle, Clemens, Griesheimer and Kennedy.

SA 9 failed of adoption by the following vote:

YEAS—Senators

Bland	Bray	Coleman	Days
Dougherty	Goode	Jacob	Kennedy
Quick	Wheeler—10		

NAYS—Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel—23	

Absent—Senators—None

Absent with leave—Senator DePasco—1

Senator Dolan offered **SA 10**, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 23, Section 559.115, Line 1, by inserting immediately after said line the following:

“565.020. 1. A person commits the crime of murder in the first degree if he knowingly causes the death of another person after deliberation upon the matter.

2. Murder in the first degree is a class A felony, and the punishment shall be either death or imprisonment for life without eligibility for probation or parole, or release except by act of the governor; except that, if a person has not reached his [sixteenth] **seventeenth** birthday at the time of the commission of the crime, the punishment shall be imprisonment for life without eligibility for probation or parole, or release except by act of the governor.”; and

Further amend the title and enacting clause accordingly.

Senator Dolan moved that the above amendment be adopted.

At the request of Senator Dolan, **SA 10** was withdrawn.

Senator Caskey moved that **SS** for **SCS** for **SB 5**, as amended, be adopted, which motion prevailed.

On motion of Senator Caskey, **SS** for **SCS** for **SB 5**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

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

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

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 243** be taken up for perfection, which motion prevailed.

On motion of Senator Yeckel, **SB 243** was declared perfected and ordered printed.

Senator Steelman moved that **SB 361**, **SB 103**, **SB 156** and **SB 329**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 361, 103, 156** and **329**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 361, 103, 156 and 329

An Act to repeal section 260.273, RSMo, and to enact in lieu thereof one new section relating to waste management, with an expiration date.

Was taken up.

Senator Steelman moved that **SCS** for **SBs 361, 103, 156** and **329** be adopted.

Senator Steelman offered **SS** for **SCS** for **SBs 361, 103, 156 and 329**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 361, 103, 156 and 329

An Act to repeal sections 260.273, 260.475, 260.479, 319.125, 319.127, 319.139, 393.015, 643.078, 644.016, 644.052, RSMo, and section 319.137 as enacted by house committee substitute for senate substitute for senate bill no. 3, eighty-eighth general assembly, first regular session, and section 319.137 as enacted by house bill no. 251, eighty-eighth general assembly, first regular session, and to enact in lieu thereof forty-nine new sections relating to waste, with penalty provisions and an expiration date for a certain section.

Senator Steelman moved that **SS** for **SCS** for **SBs 361, 103, 156 and 329** be adopted.

Senator Caskey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 361, 103, 156 and 329, Page 49, Section 260.479, Line 16, by inserting after all of said line the following:

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

Shall the county of (insert name of county) impose a landfill fee of

(insert amount of fee per ton or volumetric equivalent of solid waste)?

YES NO

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

2. The landfill fee authorized by such an election may not exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted, which charge may be in addition to any such fee currently imposed pursuant to the provisions of section 260.330.

260.831. 1. Each operator of a solid waste sanitary or demolition landfill in any county wherein a landfill fee has been approved by the voters pursuant to section 260.830 shall collect a charge equal to the charge authorized by the voters in such election, not to exceed one dollar and fifty cents per ton or its volumetric equivalent of solid waste accepted. Such fee shall be collected in addition to any fee authorized or imposed pursuant to the provisions of section 260.330, and shall be paid to such operator by all political subdivisions, municipalities, corporations, entities or persons disposing of solid waste or demolition waste, whether pursuant to contract or otherwise, and

notwithstanding that any such contract may provide for collection, transportation and disposal of such waste at a fixed fee. Any such contract providing for collections, transportation and disposal of such waste at a fixed fee which is in force on August 28, [1993] **2003**, shall be renegotiated by the parties to the contract to include the additional fee imposed by this section. Each such operator shall submit the charge, less collection costs, to the governing body of the county, which shall dedicate such funds for use by the industrial development authority within the county and such funds shall be used by the authority for economic development within the county. Collection costs shall be the same as established by the department of natural resources pursuant to section 260.330, and shall not exceed two percent of the amount collected pursuant to this section.

2. The charges established in this section shall be enumerated separately from any disposal fee charged by the landfill. After January 1, 1994, the fee authorized under section 260.830 and this section shall be stated as a separate surcharge on each individual solid waste collection customer's invoice and shall also name the economic development authority which receives the funds. Moneys transmitted to the governing body of the county shall be no less than the amount collected less collection costs and in a form, manner and frequency as the governing body may prescribe. Failure to collect such charge shall not relieve the operator from responsibility for transmitting an amount equal to the charge to the governing body.”; and

Further amend the title and enacting clause accordingly.

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

Senator Childers offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 361,

103, 156 and 329, Page 63, Section 393.018, Line 1 of said page, by inserting after all of said line the following:

“640.100. 1. The safe drinking water commission created in section 640.105 shall promulgate rules necessary for the implementation, administration and enforcement of sections 640.100 to 640.140 and the federal Safe Drinking Water Act as amended.

2. No standard, rule or regulation or any amendment or repeal thereof shall be adopted except after a public hearing to be held by the commission after at least thirty days' prior notice in the manner prescribed by the rulemaking provisions of chapter 536, RSMo, and an opportunity given to the public to be heard; the commission may solicit the views, in writing, of persons who may be affected by, knowledgeable about, or interested in proposed rules and regulations, or standards. Any person heard or registered at the hearing, or making written request for notice, shall be given written notice of the action of the commission with respect to the subject thereof. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated to administer and enforce sections 640.100 to 640.140 shall become effective only if the agency has fully complied with all of the requirements of chapter 536, RSMo, including but not limited to, section 536.028, RSMo, if applicable, after June 9, 1998. All rulemaking authority delegated prior to June 9, 1998, is of no force and effect and repealed as of June 9, 1998, however, nothing in this section shall be interpreted to repeal or affect the validity of any rule adopted or promulgated prior to June 9, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed and

contained in the order of rulemaking shall be invalid and void, except that nothing in this chapter or chapter 644, RSMo, shall affect the validity of any rule adopted and promulgated prior to June 9, 1998.

3. The commission shall promulgate rules and regulations for the certification of public water system operators, backflow prevention assembly testers and laboratories conducting tests pursuant to sections 640.100 to 640.140. Any person seeking to be a certified backflow prevention assembly tester shall satisfactorily complete standard, nationally recognized written and performance examinations designed to ensure that the person is competent to determine if the assembly is functioning within its design specifications. Any such state certification shall satisfy any need for local certification as a backflow prevention assembly tester. However, political subdivisions may set additional testing standards for individuals who are seeking to be certified as backflow prevention assembly testers. Notwithstanding any other provision of law to the contrary, agencies of the state or its political subdivisions shall only require carbonated beverage dispensers to conform to the backflow protection requirements established in the National Sanitation Foundation standard eighteen, and the dispensers shall be so listed by an independent testing laboratory. The commission shall promulgate rules and regulations for collection of samples and analysis of water furnished by municipalities, corporations, companies, state establishments, federal establishments or individuals to the public. The department of natural resources or the department of health and senior services shall, at the request of any supplier, make any analyses or tests required pursuant to the terms of section 192.320, RSMo, and sections 640.100 to 640.140. The department shall collect fees to cover the reasonable cost of laboratory services, both within the department of natural resources and the department of health and senior services, laboratory certification and program administration as required by sections

640.100 to 640.140. The laboratory services and program administration fees pursuant to this subsection shall not exceed two hundred dollars for a supplier supplying less than four thousand one hundred service connections, three hundred dollars for supplying less than seven thousand six hundred service connections, five hundred dollars for supplying seven thousand six hundred or more service connections, and five hundred dollars for testing surface water. Such fees shall be deposited in the safe drinking water fund as specified in section 640.110. The analysis of all drinking water required by section 192.320, RSMo, and sections 640.100 to 640.140 shall be made by the department of natural resources laboratories, department of health and senior services laboratories or laboratories certified by the department of natural resources.

4. The department of natural resources shall establish and maintain an inventory of public water supplies and conduct sanitary surveys of public water systems. **The department shall maintain such inventory which shall be classified as follows:**

- (1) **Class I - Population under one thousand;**
- (2) **Class II - Population under five thousand;**
- (3) **Class III - Population under ten thousand;**
- (4) **Class IV - Population under twenty thousand; and**
- (5) **Class V - Population over twenty thousand.**

Such records shall be available for public inspection during regular business hours.

5. (1) For the purpose of complying with federal requirements for maintaining the primacy of state enforcement of the federal Safe Drinking Water Act, the department is hereby directed to request appropriations from the general revenue

fund and all other appropriate sources to fund the activities of the public drinking water program and in addition to the fees authorized pursuant to subsection 3 of this section, an annual fee for each customer service connection with a public water system is hereby authorized to be imposed upon all customers of public water systems in this state. The fees collected shall not exceed the amounts specified in this subsection and the commission may set the fees, by rule, in a lower amount by proportionally reducing all fees charged pursuant to this subsection from the specified maximum amounts. Each customer of a public water system shall pay an annual fee for each customer service connection.

(2) The annual fee per customer service connection for unmetered customers and customers with meters not greater than one inch in size shall be based upon the number of service connections in the water system serving that customer, and shall not exceed:

1 to 1,000 connections	\$2.00
1,001 to 4,000 connections	1.84
4,001 to 7,000 connections	1.67
7,001 to 10,000 connections	1.50
10,001 to 20,000 connections	1.34
20,001 to 35,000 connections	1.17
35,001 to 50,000 connections	1.00
50,001 to 100,000 connections84
More than 100,000 connections66.

(3) The annual user fee for customers having meters greater than one inch but less than or equal to two inches in size shall not exceed five dollars; for customers with meters greater than two inches but less than or equal to four inches in size shall not exceed twenty-five dollars; and for customers with meters greater than four inches in size shall not exceed fifty dollars.

(4) Customers served by multiple connections shall pay an annual user fee based on the above

rates for each connection, except that no single facility served by multiple connections shall pay a total of more than five hundred dollars per year.

6. Fees imposed pursuant to subsection 5 of this section shall become effective on August 28, 1992, and shall be collected by the public water system serving the customer. The commission shall promulgate rules and regulations on the procedures for billing, collection and delinquent payment. Fees collected by a public water system pursuant to subsection 5 of this section are state fees. The annual fee shall be enumerated separately from all other charges, and shall be collected in monthly, quarterly or annual increments. Such fees shall be transferred to the director of the department of revenue at frequencies not less than quarterly. Two percent of the revenue arising from the fees shall be retained by the public water system for the purpose of reimbursing its expenses for billing and collection of such fees.

7. Imposition and collection of the fees authorized in subsection 5 of this section shall be suspended on the first day of a calendar quarter if, during the preceding calendar quarter, the federally delegated authority granted to the safe drinking water program within the department of natural resources to administer the Safe Drinking Water Act, 42 U.S.C. 300g-2, is withdrawn. The fee shall not be reinstated until the first day of the calendar quarter following the quarter during which such delegated authority is reinstated.

8. Any project which receives state or federal funds pursuant to section 640.107 or 640.600 shall use the formula set forth pursuant to section 640.620 for payment of costs incurred in the planning and design of such projects.

[8.] 9. Fees imposed pursuant to subsection 5 of this section shall expire on September 1, 2007.

640.115. 1. Every municipal corporation, private corporation, company, partnership, federal establishment, state establishment or individual supplying or authorized to supply drinking water to

the public within the state shall file with the department of natural resources a certified copy of the plans and surveys of the waterworks with a description of the methods of purification, treatment technology and source from which the supply of water is derived, and no source of supply shall be used without a written permit of approval issued to the continuing operating authority by the department of natural resources, or water dispensed to the public without first obtaining such written permit of approval. Prior to a change of permittee, the current permittee shall notify the department of the proposed change and the department shall perform a permit review.

2. Construction, extension or alteration of a public water system shall be, **pursuant to section 640.620**, in accordance with the rules and regulations of the safe drinking water commission.

3. Permit applicants shall show, as part of their application, that a permanent organization exists which will serve as the continuing operating authority for the management, operation, replacement, maintenance and modernization of the facility. Such continuing operating authority for all community water systems and nontransient, noncommunity water systems commencing operation after October 1, 1999, shall be required to have and maintain the managerial, technical and financial capacity, as determined by the department, to comply with sections 640.100 to 640.140.

4. Any community water system or nontransient, noncommunity water system against which an administrative order has been issued for significant noncompliance with the federal Safe Drinking Water Act, as amended, sections 640.100 to 640.140 or any rule or regulation promulgated thereunder shall be required to show that a permanent organization exists that serves as the continuing operating authority for the facility and that such continuing operating authority has the managerial, technical and financial capacity to comply with sections 640.100 to 640.140 and

regulations promulgated thereunder. If the water system cannot show to the department's satisfaction that such continuing operating authority exists, or if the water system is not making substantial progress toward compliance, the water system's permit may be revoked. The continuing operating authority may reapply for a permit in accordance with rules promulgated by the commission.

640.605. The grants may be made to districts or communities to assist in financing, including engineering and legal service costs, specific projects for construction, original or enlargement of supply, source water protection treatment, purification, storage and distribution facilities for water systems and collection, treatment, forced mains, lift stations and disposal facilities for sewage systems, or any other item necessary for the physical operation of the water or sewage systems where grant funds are necessary to reduce the project cost per user to a reasonable level. **Any engineering or design costs shall follow the formula set forth pursuant to section 640.620.** The grants may be made to supplement funds from loan proceeds or other private or public sources when such grants are not available through any other state or federal agency.

640.615. 1. The applicant must first apply with the agency or other financial source which is to furnish the primary financial assistance, and after the amount of that assistance has been determined, an application for a grant hereunder may be made to and processed by the department of natural resources. The department of natural resources shall make the necessary rules and regulations for the consideration and processing of all grant requests, which shall generally conform to those used by federal grant and loan agencies, which rules shall be filed in the office of the secretary of state. The rules shall contain, but shall not be limited to, the following criteria:

- (1) Preliminary engineer cost study, **pursuant to the formula as set forth in section 640.620**;
- (2) Bonded indebtedness of the district or

community;

(3) The financial condition of the district or community;

(4) The cost per connection;

(5) The economic level in the district or community;

(6) The ratio of contracted users to potential users, which shall not be less than seventy-five percent;

(7) The number of acres being protected for any source water protection project.

2. No grant shall be finally approved until the applicant furnishes evidence of a commitment from the primary financial source.

640.620. In any case, the grant shall not be in excess of one thousand four hundred dollars per connection, or, in the case of a source water protection project, for more than twenty percent of the cost per acre for conservation reserve, **except when any entity provides a certified design and operation plan which is less than the average per capita cost for installations within the same population classification established pursuant to subsection 4 of section 640.100, then the certified licensed engineer or company providing such engineering or design service shall receive payment in an amount equal to the usual and customary fee for such project plus additional compensation equal to two times the percentage by which the cost of construction of such facility is less than the average per capita cost of facilities within the same population classification as set forth in subsection 4 of section 640.100, and, except as otherwise provided in this section, no district or system may receive more than one grant for any purpose in any two-year period. Such entity shall also pay to such engineer or company providing such engineering service compensation equal to twenty-five percent of the amount of any annual operational costs which are lower than the average per capita operational costs for facilities**

within the population classifications set forth pursuant to subsection 4 of section 640.100 for a period of time equal to one-fourth the design lifetime of such facility or five years whichever is less. Grantees who received or who are receiving funds under the 1993-1994 special allocation for flood-impacted communities are not subject to the prohibition against receiving more than one grant during any two-year period for a period ending two years after the final grant allocation for flood-impacted communities is received by that grantee.”; and

Further amend said bill, Page 79, Section 644.052, Line 20 of said page, by inserting after all of said line the following:

“644.145. 1. The commission shall develop criteria to determine “per capita average cost” for construction and operation of a wastewater or drinking water facility by an assessment of the records and financial cost for similar projects or facilities in this state within the previous seven years.

2. After the commission has developed a criteria for a “per capita average cost”, the commission shall develop criteria to compensate the engineer or engineer firm for design and construction of wastewater or drinking water facilities which are lower than such per capita cost average as set forth pursuant to section 640.620, RSMo.

3. 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 Childers moved that the above amendment be adopted, which motion prevailed.

Senator Griesheimer offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 361, 103, 156 and 329, Page 1, In the Title, Line 9, by deleting the word “forty-nine” and inserting in lieu thereof the word “fifty”; and

Further amend said bill, Page 1, Section A, Line 7, by deleting the word “forty-nine” and inserting in lieu thereof the word “fifty”; and

Further amend said bill, Page 1, Section A, Line 13, by inserting after the number “204.760,” the number “260.219,”; and

Further amend said bill, Page 41, Section 204.760, Line 24, by inserting after all of said line the following:

“260.219. No local government or political subdivision shall provide waste or garbage collection services outside of its boundaries.”; and

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

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

Senator Bartle assumed the Chair.

Senator Cauthorn offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 361, 103, 156 and 329, Page 1, In the Title, Line 9, by deleting the word “forty-nine” and inserting in lieu thereof the word “forty-eight”; and

Further amend said bill, Page 1, Section A, Line 7, by deleting the word “forty-nine” and inserting in lieu thereof the word “forty-eight”; and

Further amend said bill, Page 2, Section A, Line 1, by deleting the number “393.017”; and

Further amend said bill, Pages 58 and 59, Section 393.017, by deleting all of said section; and

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

Senator Cauthorn moved that the above amendment be adopted.

Senator Steelman offered **SSA 1** for **SA 4**:

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

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 361, 103, 156 and 329, Page 58, Lines 28-29 and Page 59, Lines 1-23, by striking all of said lines and inserting in lieu thereof the following:

“393.017. 1. Water service to a residence shall not be disconnected, terminated, or discontinued for nonpayment of the water bill without the service provider first providing the residential customer with thirty days advance written notice of the proposed action. The notice shall be sent to the residential customer by regular or certified mail and it shall be clearly written and shall include at least the following information: the proposed action, the proposed date of the proposed action, the cost of reconnection in the event of disconnection or termination of service, the reason for the proposed action, the exact amount of the arrearage, the address to which the customer should send payment, all actions which the residential customer must take to prevent the proposed action from occurring, and the telephone number or numbers the residential customer may call regarding the proposed action.

2. Service providers shall be allowed to recoup the cost incurred pursuant to this section for sending notice by certified mail of a proposed disconnection, termination, or discontinuation of residential water service for nonpayment of the water bill from the residential customer.

3. Any charge for reconnection of water service after disconnection, termination, or discontinuation for nonpayment pursuant to subsection 1 of this section shall only include costs which are reasonable, actual, and necessary for such reconnection.”

Senator Steelman moved that the above substitute amendment be adopted, which motion failed on a standing division vote.

SA 4 was again taken up.

Senator Childers assumed the Chair.

Senator Steelman offered SSA 2 for SA 4:

SENATE SUBSTITUTE AMENDMENT NO. 2
FOR SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 361, 103, 156 and 329, Page 58, Lines 28-29 and Page 59, Lines 1-23, by striking all of said lines and inserting in lieu thereof the following:

“393.017. 1. Water service to a residence shall not be disconnected, terminated, or discontinued for nonpayment of the water bill without the service provider first providing the residential customer with fifteen days advance written notice of the proposed action. The notice shall be sent to the residential customer by certified mail and it shall be clearly written and shall include at least the following information: the proposed action, the proposed date of the proposed action, the cost of reconnection in the event of disconnection or termination of service, the reason for the proposed action, the exact amount of the arrearage, the address to which the customer should send payment, all actions

which the residential customer must take to prevent the proposed action from occurring, and the telephone number or numbers the residential customer may call regarding the proposed action.

2. Service providers shall be allowed to recoup the cost incurred pursuant to this section for sending notice by certified mail of a proposed disconnection, termination, or discontinuation of residential water service for nonpayment of the water bill from the residential customer.

3. Any charge for reconnection of water service after disconnection, termination, or discontinuation for nonpayment pursuant to subsection 1 of this section shall only include costs which are reasonable, actual, and necessary for such reconnection.”

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

Senator Steelman offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 361, 103, 156 and 329, Page 62, Section 393.018, Lines 2, 6, 9, and 15, by striking “water corporation,” as it appears on each of said lines.

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

Senator Steelman offered SA 6:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 361, 103, 156 and 329, Page 80, Section 644.583, Line 12 of said page, by inserting after all of said line the following:

“Section 1. 1. In letting contracts for the performance of any job or service for removal or clean up of waste, the department of natural

resources, in addition to the requirements of 34.073 and 34.076, shall give preference to any bid which comes from:

(1) A individual resident vendor who has resided in Missouri continuously for the four years immediately preceding the date on which the bid is submitted or from a partnership, association, corporation resident vendor, or from a corporation nonresident vendor which has an affiliate or subsidiary which employs a minimum of twenty state residents and which has maintained its headquarters or principal place of business within Missouri continuously for four years immediately preceding the date on which the bid is submitted, if the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than five percent of the latter bid, and if the vendor has made written claim for the preference at the time the bid was submitted.

(2) From a resident vendor, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees are residents of Missouri who have resided in the state continuously for the two immediately preceding years and the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than five percent of the latter bid, and if the vendor has certified the residency requirements of this subdivision and made written claim for the preference, at the time the bid was submitted; or

(3) From a nonresident vendor, which employs a minimum of twenty state residents or a nonresident vendor which has an affiliate or subsidiary which maintains its headquarters or principle place of business within Missouri and which employs a minimum of twenty state residents, if, for purposes of producing or distributing the commodities or completing the project which is the subject of the vendor's bid

and continuously over the entire term of the project, on average at least seventy-five percent of the vendor's employees or the vendor's affiliate's or subsidiary's employees are residents of Missouri who have resided in the state continuously for the two immediately preceding years and the vendor's bid does not exceed the lowest qualified bid from a nonresident vendor by more than five percent of the latter bid, and if the vendor has certified the residency requirements of this subdivision and made written claim for the preference, at the time the bid was submitted.

2. For any vendor which meets more than one qualifying factor contained in subsection 1 of this section the effects of such preference allowed pursuant to the provisions of subsection 1 of this section shall be cumulative.”; and

Further amend the title and enacting clause accordingly.

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

Senator Gross offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 361, 103, 156 and 329, Page 41, Section 204.760, Line 24, by inserting immediately after said line the following:

“250.140. 1. In the case of privately owned property, sewerage services or water and sewerage services combined shall be deemed to be furnished to [both] the occupant [and owner] of the premises receiving such service and the city, town or village or sewer district rendering such services shall have power to sue the occupant [or owner, or both,] of such real estate in a civil action to recover any sums due for such services, plus a reasonable attorney’s fee to be fixed by the court.

[2. If the occupant of the premises receives the billing, any notice of termination of service shall be

sent to both the occupant and owner of the premises receiving such service, if such owner has requested in writing to receive any notice of termination and has provided the entity rendering such service with the owner's business addresses.]"; and

Further amend the title and enacting clause accordingly.

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

Senator Steelman moved that **SS** for **SCS** for **SBs 361, 103, 156** and **329**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SS** for **SCS** for **SBs 361, 103, 156** and **329**, as amended, was declared perfected and ordered printed.

Senator Gross moved that **SB 28** be taken up for perfection, which motion prevailed.

Senator Gross offered **SS** for **SB 28**, entitled:

**SENATE SUBSTITUTE FOR
SENATE BILL NO. 28**

An Act to repeal section 33.250, RSMo, and to enact in lieu thereof one new section relating to estimates of revenue for state budgeting purposes.

Senator Gross moved that **SS** for **SB 28** be adopted.

At the request of Senator Gross, **SB 28**, with **SS** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Kinder referred **SS No. 2** for **SS** for **SCS** for **SB 2** to the Committee on Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Foster offered Senate Resolution No. 535, regarding National Nurses Week, which was adopted.

Senator Shields offered Senate Resolution No. 536, regarding Garrett O'Dell III, Gower, which

was adopted.

Senator Cauthorn offered Senate Resolution No. 537, regarding Larry Theerman, Macon, which was adopted.

Senator Dolan offered Senate Resolution No. 538, regarding Colonel Daniel Joseph Harlan, St. Louis, which was adopted.

Senator Vogel offered Senate Resolution No. 539, regarding James Crockett Steele, Holts Summit, which was adopted.

Senators Gross and Dolan offered Senate Resolution No. 540, regarding Fort Zumwalt R-II School District, O'Fallon, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Foster introduced to the Senate, Gail Robertson and Tim Rosmarin, Poplar Bluff.

Senator Griesheimer introduced to the Senate, fourth grade students from St. Gertrude's School, Krakow.

Senator Foster introduced to the Senate, Tanya Childers and twenty-four fourth grade students and elementary scholars from Cooter.

Senator Scott introduced to the Senate, students from Northwest High School, Hughesville.

Senator Jacob introduced to the Senate, fourth grade students from Fairview Elementary School, Columbia.

Senator Mathewson introduced to the Senate, Cindy Wolstrom and twenty-nine tenth grade students from Brunswick R-II School, Brunswick; and Kyle De Lashmutt, Paul Drewitz, Matt Stockdall, and Josh Swan were made honorary pages.

Senator Griesheimer introduced to the Senate, Mary and Adam Petton, St. Clair.

Senator Loudon introduced to the Senate, Kyli Mouser, Ballwin; and Jane Sanders, Webster Groves.

Senator Caskey introduced to the Senate, Jill Smith, and fourth grade students and sponsors from Archie Public School, Cass County; and Renee Sanders, Cory Powell, Chelsea Simms, Megan Miller, Michael Iseman, Chelsea Kirk, Lindsey Cornelius, and Matthauss Park were made honorary pages.

Senator Bray introduced to the Senate, Peter Ricks and Katharine Shapleigh with The College School, St. Louis.

On behalf of Senator Dougherty and himself, Senator Kennedy introduced to the Senate, Mayor Francis Slay, St. Louis.

Senator Dougherty introduced to the Senate, Michael Simpson and twenty-three fourth grade students from Forsyth School, St. Louis.

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

SENATE CALENDAR

FIFTY-FIRST DAY—THURSDAY, APRIL 10, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HS for HB 267-Smith (118)

THIRD READING OF SENATE BILLS

SS for SCS for SB 410-Shields
SCS for SB 69-Yeckel and Nodler
(In Fiscal Oversight)

SS for SS for SCS for SBs 556 & 311-Kinder
(In Fiscal Oversight)

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

SENATE BILLS FOR PERFECTION

1. SB 362-Steelman and Gross
2. SB 184-Bartle and Scott
3. SB 38-Klindt, et al, with SCS
4. SB 241-Yeckel, with SCS

5. SB 476-Jacob
6. SB 460-Loudon
7. SBs 381, 384, 432 & 9-Dolan,
with SCS

- | | |
|---|---|
| <ul style="list-style-type: none"> 8. SB 39-Cauthorn, et al, with SCA 1 9. SB 199-Childers, with SCS 10. SB 620-Loudon, et al, with SCS 11. SB 416-Yeckel, with SCS 12. SB 219-Steelman and Yeckel 13. SJR 13-Stoll 14. SB 555-Kinder and Foster,
with SCS 15. SB 695-Goode and Russell 16. SB 693-Klindt, et al, with SCS 17. SB 12-Kinder and Scott | <ul style="list-style-type: none"> 18. SBs 248, 100, 118, 233, 247,
341 & 420-Gross, et al, with SCS 19. SB 27-Gibbons, with SCS 20. SB 209-Steelman, et al, with SCS 21. SB 685-Gibbons, et al, with SCS 22. SB 455-Dougherty and Shields 23. SBs 343, 89, 134, 171, 240,
261, 331, 368, 369, 419, 484
& 581-Dolan, with SCS 24. SB 446-Bartle, with SCS 25. SB 242-Yeckel, with SCA 1 |
|---|---|

HOUSE BILLS ON THIRD READING

HCS for HB 73 (Yeckel)
 HS for HCS for HB 321-
 Wilson (130) (Loudon)
 (In Fiscal Oversight)

HCS for HBs 122 & 80
 (Bland)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn,
 with SCS & SS for SCS (pending)
 SB 24-Steelman, with SCS
 & SS for SCS (pending)
 SB 28-Gross, with SS (pending)
 SB 33-Loudon and Scott,
 with SS (pending)
 SB 51-Shields, with SS,
 SS for SS & SA 1 (pending)
 SB 112-Loudon, with SCS
 SBs 125 & 290-Goode, with
 SCS & SA 6 (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)

HOUSE BILLS ON THIRD READING

HCS for HB 221, with SCS
(Yeckel)

HB 412-Goodman, et al
(Childers)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

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

SB 694-Klindt
SB 490-Dolan

House Bills

Reported 4/7

HCS for HB 166 (Caskey)
HCS for HB 181 (Mathewson)
HCS for HB 277 (Champion)
HB 278-Davis (19) and Parker
(Dolan)
HB 292-Wagner

HB 358-Boykins
HCS for HB 133 (Quick)
HB 99-Seigfreid (Mathewson)
HB 521-Dethrow, et al, with
SCS (Childers)
HB 314-Engler (Gross)

Reported 4/8

HB 141-Mayer

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 3-Loudon
SCR 6-Stoll

Unofficial

Journal

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