

Journal of the Senate

FIRST REGULAR SESSION

SEVENTIETH DAY—FRIDAY, MAY 9, 2003

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Answer me, O Lord, for your love is kind; in your great compassion, turn to me.” (Psalm 69:18)

Merciful Father, the clock keeps ticking and deadlines approach and there seems so much to do but we trust that in Your compassion You will lead us to the decisions that must be made and ways to do what is truly necessary before us. Keep watch over us this day as we complete our work and return to those who love us. And may we be found in Your presence and blessed with Your peace. 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 KRCG-TV, KOMU-TV and the Associated Press 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
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob

Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

Absent with leave—Senators

Coleman	DePasco	Dolan—3
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RESOLUTIONS

Senators Gross and Dolan offered Senate Resolution No. 917, regarding the St. Charles County Relay for Life, which was adopted.

Senator Bland offered Senate Resolution No. 918, regarding the Ninetieth Birthday of Leo McKamey, Kansas City, which was adopted.

CONCURRENT RESOLUTIONS

Senator Cauthorn moved that **SCR 17** be taken up for adoption, which motion prevailed.

Senator Shields assumed the Chair.

On motion of Senator Cauthorn, **SCR 17** was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators

Coleman DePasco Dolan—3

Senator Foster moved that **SCR 20** be taken up for adoption, which motion prevailed.

On motion of Senator Foster, **SCR 20** was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland Bray Jacob Kinder
Quick—5

Absent with leave—Senators

Coleman DePasco Dolan—3

Senator Cauthorn moved that **SCR 21** be taken up for adoption, which motion prevailed.

On motion of Senator Cauthorn, **SCR 21** was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland Bray Jacob Kinder
Quick—5

Absent with leave—Senators

Coleman DePasco Dolan—3

RESOLUTIONS

Senators Steelman, Kennedy, Bartle, Dougherty, Goode, Wheeler, Coleman, Dolan, Gross, Yeckel, Kinder, Stoll, Loudon and Gibbons offered the following resolution:

SENATE RESOLUTION NO. 919

WHEREAS, the State of Missouri and its political subdivisions is faced with recruitment and retention of highly trained and motivated police officers; and

WHEREAS, Missouri benefits from its political subdivisions having the highest quality police force possible:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, First Regular Session, hereby establish the "Interim Committee on Police Officer Residency"; and

BE IT FURTHER RESOLVED that the Committee shall be composed of five members of the Senate to be appointed by the President Pro Tem of the Senate, and no more than three members of such committee shall be from the same political party; and

BE IT FURTHER RESOLVED that the Committee shall conduct a comprehensive analysis of the rules and policies concerning police officer residency requirements currently in place in political subdivisions within the State of Missouri, discover methods to attract new police officers, and retain existing officers, in order to uncover potential barriers in the recruitment and retention of exceptional police officers to best serve and protect the welfare of the citizens of the State of Missouri; and

BE IT FURTHER RESOLVED that the Committee be authorized to hold hearings as it deems advisable, and may solicit any input or information necessary to fulfill its obligations; and

BE IT FURTHER RESOLVED that the staffs of Senate Research, and the Joint Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the Committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the Committee, its members, and any staff personnel assigned to the Committee shall receive reimbursement for their actual and necessary expenses

incurred in attending meetings of the Committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the Committee report its recommendations and findings to the Missouri Senate by January 1, 2004.

Senator Bartle offered Senate Resolution No. 920, regarding Megan Creswell, Lee's Summit, which was adopted.

Senator Bartle offered Senate Resolution No. 921, regarding Megan Kurtz, Grain Valley, which was adopted.

Senator Bartle offered Senate Resolution No. 922, regarding Taylor Hill, Blue Springs, which was adopted.

Senator Bartle offered Senate Resolution No. 923, regarding Brianni Mullen, Greenwood, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 564** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Bartle assumed the Chair.

On motion of Senator Gross, **SB 564** was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1** to **HCS** for **HB 16** and has taken up and passed **HCS** for **HB 16**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 13** and has taken up and passed **CCS** for **SCS** for **HCS** for

HB 13.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has adopted **SCS** for **HCS** for **HB 17** and has taken up and passed **SCS** for **HCS** for **HB 17**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has concurred in **SCA 1**, **SCA 2** to **HCS** for **HB 18** and has taken up and passed **HCS** for **HB 18**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report No. 2 on **HCS** for **HB 19**, as amended, and has taken up and passed **CCS No. 2** for **HCS** for **HB 19**.

PRIVILEGED MOTIONS

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 13**, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 13

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 13 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 13.
2. That the House recede from its position on

House Committee Substitute for House Bill No. 13.

- That the attached Conference Committee Substitute for House Bill No. 13, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ John T. Russell
 /s/ Charles R. Gross
 /s/ Charlie Shields
 /s/ Wayne Goode
 /s/ Pat Dougherty

FOR THE HOUSE:

/s/ Carl Bearden
 /s/ Brad Lager
 /s/ Brian Yates
 /s/ Theodore Hoskins
 /s/ Vicki Walker

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Quick Scott—2

Absent with leave—Senators

Coleman DePasco Dolan—3

On motion of Senator Russell, **CCS** for **SCS** for **HCS** for **HB 13**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
 FOR SENATE COMMITTEE SUBSTITUTE
 FOR HOUSE COMMITTEE SUBSTITUTE
 FOR HOUSE BILL NO. 13

An Act to appropriate money for real property leases, related services, utilities, systems furniture,

and structural modifications for the several departments of state government and the divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to appropriate money for capital improvements and the other expenses of the Office of Administration and the divisions and programs thereof, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2005.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Loudon Quick—2

Absent with leave—Senators

Coleman DePasco Dolan—3

The President declared the bill passed.

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

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

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

Senator Russell, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **HB 19**, as amended, moved that the following conference committee report no. 2 be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT NO. 2
ON HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 19

The Conference Committee appointed on House Committee Substitute for House Bill No. 19 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Amendment No. 1 for House Committee Substitute for House Bill No. 19.
2. That the House recede from its position on House Committee Substitute for House Bill No. 19.
3. That the attached Conference Committee Substitute No. 2 for House Bill No. 19, be truly agreed to and finally passed.

FOR THE SENATE:

- /s/ John T. Russell
- /s/ Charles R. Gross
- /s/ Charlie Shields
- /s/ Wayne Goode
- /s/ Pat Dougherty

FOR THE HOUSE:

- /s/ Carl Bearden
- /s/ Brad Lager
- Roy W. Holand
- /s/ Kate Meiners
- /s/ Sue Schoemehl

Senator Russell moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

- Goode
- Mathewson—2

Absent with leave—Senators

- Coleman
- DePasco
- Dolan—3

On motion of Senator Russell, **CCS No. 2** for **HCS** for **HB 19**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
NO. 2
FOR HOUSE COMMITTEE SUBSTITUTE
FOR HOUSE BILL NO. 19

An Act to appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

- Coleman
- DePasco
- Dolan—3

The President declared the bill passed.

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

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

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

Senator Griesheimer moved that the Senate refuse to concur in **HCS** for **SS** for **SCS** for **SB 298**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Childers assumed the Chair.

Senator Yeckel, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 552** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 552

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 552 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate No. 552;
2. That the Senate recede from its position on Senate Bill No. 552;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 552, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Anita Yeckel /s/ Richard Byrd
/s/ John Loudon /s/ Todd Smith
/s/ John Cauthorn /s/ Marilyn Ruestman
/s/ James Mathewson Esther Haywood
Maida Coleman /s/ Margaret Donnelly

Senator Yeckel moved that the above conference committee report be adopted.

At the request of Senator Yeckel, the above motion was withdrawn.

Senator Bartle, on behalf of the conference committee appointed to act with a like committee from the House on **HCS** for **SB 448** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 448

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 448 begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the House recede from its position on House Committee Substitute for Senate Bill No. 448;
2. That the Senate recede from its position on Senate Bill No. 448;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 448, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ Matt Bartle /s/ Richard Byrd
/s/ David G. Klindt /s/ Jack A. L. Goodman
/s/ John Loudon /s/ Jason Crowell
/s/ Ken Jacob /s/ Connie Johnson
/s/ Harold Caskey /s/ Robert Harris

Senator Bartle moved that the above conference committee report be adopted, which motion prevailed by the following vote:

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

NAYS—Senators—None

Absent—Senators

Bland Quick—2

Absent with leave—Senators

Coleman DePasco Dolan—3

On motion of Senator Bartle, CCS for HCS for SB 448, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 448

An Act to repeal section 476.055, RSMo, and to enact in lieu thereof one new section relating to the statewide court automation fund, with penalty provisions and an expiration date.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators

Coleman DePasco Dolan—3

The President declared the bill passed.

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

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

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

REFERRALS

President Pro Tem Kinder referred SR 919 to the Committee on Rules, Joint Rules, Resolutions and Ethics.

PRIVILEGED MOTIONS

Senator Cauthorn, on behalf of the conference committee appointed to act with a like committee from the House on HCS for SB 186 moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 186

The Conference Committee appointed on House Committee Substitute for Senate Bill No. 186, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

- 1. That the House recede from its position on House Committee Substitute for Senate Bill No. 186;
2. That the Senate recede from its position on Senate Bill No. 186;
3. That the attached Conference Committee Substitute for House Committee Substitute for Senate Bill No. 186, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

/s/ John Cauthorn /s/ Brian Munzlinger
/s/ Charlie Shields /s/ Bob Johnson
/s/ Matt Bartle /s/ Randy Angst
/s/ Ed Quick /s/ Cathy Jolly
/s/ Harry Kennedy /s/ Rachel L. Bringer

Senator Cauthorn moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators

Coleman DePasco Dolan—3

On motion of Senator Cauthorn, **CCS** for **HCS** for **SB 186**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 186

An Act to repeal sections 59.041, 59.042, and 483.015, RSMo, and to enact in lieu thereof three new sections relating to recorders of deeds and other county offices.

Was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators

Coleman DePasco Dolan—3

The President declared the bill passed.

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

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

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

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HCS** for **HB 138**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **HS** for **HB 481**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Foster, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **HB 655**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Education, to which was referred **HB 189**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 414**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 454**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **HS** for **HCS** for **HB 121**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, 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 **SB 564**, 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.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 69**: Senators Yeckel, Nodler, Scott, Kennedy and Wheeler.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HS** for **HCS** for

SCS for **SB 246**, as amended: Senators Steelman, Goode, Griesheimer, Klindt and Stoll.

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **SCS** for **HCS** for **HB 613**, as amended: Senators Bartle, Yeckel, Dolan, Wheeler and Caskey.

HOUSE BILLS ON THIRD READING

HS for **HB 470**, with **SCS**, was placed on the Informal Calendar.

HB 198 was placed on the Informal Calendar.

HS for **HB 197**, with **SCS** and **SCA 1**, was placed on the Informal Calendar.

HS for **HCS** for **HB 564**, with **SCS**, was placed on the Informal Calendar.

HS for **HCS** for **HB 228**, with **SCS**, entitled:

An Act to amend chapter 407, RSMo, by adding thereto five new sections relating to unsolicited commercial electronic mail, with penalty provisions.

Was taken up by Senator Goode.

SCS for **HS** for **HCS** for **HB 228**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 228

An Act to amend chapter 407, RSMo, by adding thereto four new sections relating to unsolicited commercial electronic mail, with penalty provisions.

Was taken up.

Senator Goode moved that **SCS** for **HS** for **HCS** for **HB 228** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 228, Page 2, Section 407.1135,

Line 25, by striking the word “ongoing” and inserting in lieu thereof the word “**established**”.

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

Senator Steelman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Substitute for House Committee Substitute for House Bill No. 228, Page 1, In the Title, Line 3, by striking the words “unsolicited commercial electronic mail” and inserting in lieu thereof the words “the internet”; and

Further amend said bill, Page 1, Section A, Line 3, by inserting after all of said line the following:

“386.020. As used in this chapter, the following words and phrases mean:

(1) “Alternative local exchange telecommunications company”, a local exchange telecommunications company certified by the commission to provide basic or nonbasic local telecommunications service or switched exchange access service, or any combination of such services, in a specific geographic area subsequent to December 31, 1995;

(2) “Alternative operator services company”, any certificated interexchange telecommunications company which receives more than forty percent of its annual Missouri intrastate telecommunications service revenues from the provision of operator services pursuant to operator services contracts with traffic aggregators;

(3) “Basic interexchange telecommunications service”, includes, at a minimum, two-way switched voice service between points in different local calling scopes as determined by the commission and shall include other services as determined by the commission by rule upon periodic review and update;

(4) “Basic local telecommunications service”,

two-way switched voice service within a local calling scope as determined by the commission comprised of any of the following services and their recurring and nonrecurring charges:

(a) Multiparty, single line, including installation, touchtone dialing, and any applicable mileage or zone charges;

(b) Assistance programs for installation of, or access to, basic local telecommunications services for qualifying economically disadvantaged or disabled customers or both, including, but not limited to, lifeline services and link-up Missouri services for low-income customers or dual-party relay service for the hearing impaired and speech impaired;

(c) Access to local emergency services including, but not limited to, 911 service established by local authorities;

(d) Access to basic local operator services;

(e) Access to basic local directory assistance;

(f) Standard intercept service;

(g) Equal access to interexchange carriers consistent with rules and regulations of the Federal Communications Commission;

(h) One standard white pages directory listing.

Basic local telecommunications service does not include optional toll free calling outside a local calling scope but within a community of interest, available for an additional monthly fee or the offering or provision of basic local telecommunications service at private shared-tenant service locations;

(5) “Cable television service”, the one-way transmission to subscribers of video programming or other programming service and the subscriber interaction, if any, which is required for the selection of such video programming or other programming service;

(6) “Carrier of last resort”, any telecommunications company which is obligated to

offer basic local telecommunications service to all customers who request service in a geographic area defined by the commission and cannot abandon this obligation without approval from the commission;

(7) “Commission”, the “Public Service Commission” hereby created;

(8) “Commissioner”, one of the members of the commission;

(9) “Competitive telecommunications company”, a telecommunications company which has been classified as such by the commission pursuant to section 392.361, RSMo;

(10) “Competitive telecommunications service”, a telecommunications service which has been classified as such by the commission pursuant to section 392.361, RSMo, or which has become a competitive telecommunications service pursuant to section 392.370, RSMo;

(11) “Corporation” includes a corporation, company, association and joint stock association or company;

(12) “Customer-owned pay telephone”, a privately owned telecommunications device that is not owned, leased or otherwise controlled by a local exchange telecommunications company and which provides telecommunications services for a use fee to the general public;

(13) “Effective competition” shall be determined by the commission based on:

(a) The extent to which services are available from alternative providers in the relevant market;

(b) The extent to which the services of alternative providers are functionally equivalent or substitutable at comparable rates, terms and conditions;

(c) The extent to which the purposes and policies of chapter 392, RSMo, including the reasonableness of rates, as set out in section 392.185, RSMo, are being advanced;

(d) Existing economic or regulatory barriers to entry; and

(e) Any other factors deemed relevant by the commission and necessary to implement the purposes and policies of chapter 392, RSMo;

(14) “Electric plant” includes all real estate, fixtures and personal property operated, controlled, owned, used or to be used for or in connection with or to facilitate the generation, transmission, distribution, sale or furnishing of electricity for light, heat or power; and any conduits, ducts or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power;

(15) “Electrical corporation” includes every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, other than a railroad, light rail or street railroad corporation generating electricity solely for railroad, light rail or street railroad purposes or for the use of its tenants and not for sale to others, owning, operating, controlling or managing any electric plant except where electricity is generated or distributed by the producer solely on or through private property for railroad, light rail or street railroad purposes or for its own use or the use of its tenants and not for sale to others;

(16) “Exchange”, a geographical area for the administration of telecommunications services, established and described by the tariff of a telecommunications company providing basic local telecommunications service;

(17) “Exchange access service”, a service provided by a local exchange telecommunications company which enables a telecommunications company or other customer to enter and exit the local exchange telecommunications network in order to originate or terminate interexchange telecommunications service;

(18) “Gas corporation” includes every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, controlling or managing any gas plant operating for public use under privilege, license or franchise now or hereafter granted by the state or any political subdivision, county or municipality thereof;

(19) “Gas plant” includes all real estate, fixtures and personal property owned, operated, controlled, used or to be used for or in connection with or to facilitate the manufacture, distribution, sale or furnishing of gas, natural or manufactured, for light, heat or power;

(20) “Heating company” includes every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers, appointed by any court whatsoever, owning, operating, managing or controlling any plant or property for manufacturing and distributing and selling, for distribution, or distributing hot or cold water, steam or currents of hot or cold air for motive power, heating, cooking, or for any public use or service, in any city, town or village in this state; provided, that no agency or authority created by or operated pursuant to an interstate compact established pursuant to section 70.370, RSMo, shall be a heating company or subject to regulation by the commission;

(21) “High-cost area”, a geographic area, which shall follow exchange boundaries and be no smaller than an exchange nor larger than a local calling scope, where the cost of providing basic local telecommunications service as determined by the commission, giving due regard to recovery of an appropriate share of joint and common costs as well as those costs related to carrier of last resort obligations, exceeds the rate for basic local telecommunications service found reasonable by the commission;

(22) **“High-speed Internet access service” or “broadband service”, those services and**

underlying facilities related thereto, to the extent utilized to provide upstream, from customer to provider, or downstream, from provider to customer, transmission in excess of one hundred forty-four kilobits per second to or from the Internet, or are utilized to transmit information, in excess of one hundred forty-four kilobits per second, regardless of the technology or medium used, including but not limited to, wireless, copper wire, fiber optic cable, or coaxial cable, to provide such service, to provide such service provided, however, that voice services and underlying facilities related thereto to the extent used to provide voice services are not included;

(23) “Incumbent local exchange telecommunications company”, a local exchange telecommunications company authorized to provide basic local telecommunications service in a specific geographic area as of December 31, 1995, or a successor in interest to such a company;

[(23)] (24) “Interexchange telecommunications company”, any company engaged in the provision of interexchange telecommunications service;

[(24)] (25) “Interexchange telecommunications service”, telecommunications service between points in two or more exchanges;

[(25)] (26) “InterLATA”, interexchange telecommunications service between points in different local access and transportation areas;

[(26)] (27) “IntraLATA”, interexchange telecommunications service between points within the same local access and transportation area;

[(27)] (28) “Light rail” includes every rail transportation system in which one or more rail vehicles are propelled electrically by overhead catenary wire upon tracks located substantially within an urban area and are operated exclusively in the transportation of passengers and their baggage, and including all bridges, tunnels, equipment, switches, spurs, tracks, stations, used in

connection with the operation of light rail;

[(28)] (29) “Line” includes route;

[(29)] (30) “Local access and transportation area” or “LATA”, contiguous geographic area approved by the U.S. District Court for the District of Columbia in *United States v. Western Electric*, Civil Action No. 82-0192 that defines the permissible areas of operations for the Bell Operating companies;

[(30)] (31) “Local exchange telecommunications company”, any company engaged in the provision of local exchange telecommunications service. A local exchange telecommunications company shall be considered a “large local exchange telecommunications company” if it has at least one hundred thousand access lines in Missouri and a “small local exchange telecommunications company” if it has less than one hundred thousand access lines in Missouri;

[(31)] (32) “Local exchange telecommunications service”, telecommunications service between points within an exchange;

[(32)] (33) “Long-run incremental cost”, the change in total costs of the company of producing an increment of output in the long run when the company uses least cost technology, and excluding any costs that, in the long run, are not brought into existence as a direct result of the increment of output. The relevant increment of output shall be the level of output necessary to satisfy total current demand levels for the service in question, or, for new services, demand levels that can be demonstrably anticipated;

[(33)] (34) “Municipality” includes a city, village or town;

[(34)] (35) “Nonbasic telecommunications services” shall be all regulated telecommunications services other than basic local and exchange access telecommunications services, and shall include the services identified in paragraphs (d) and (e) of subdivision (4) of this section. Any retail

telecommunications service offered for the first time after August 28, 1996, shall be classified as a nonbasic telecommunications service, including any new service which does not replace an existing service;

[(35)] (36) “Noncompetitive telecommunications company”, a telecommunications company other than a competitive telecommunications company or a transitionally competitive telecommunications company;

[(36)] (37) “Noncompetitive telecommunications service”, a telecommunications service other than a competitive or transitionally competitive telecommunications service;

[(37)] (38) “Operator services”, operator-assisted interexchange telecommunications service by means of either human or automated call intervention and includes, but is not limited to, billing or completion of calling card, collect, person-to-person, station-to-station or third number billed calls;

[(38)] (39) “Operator services contract”, any agreement between a traffic aggregator and a certificated interexchange telecommunications company to provide operator services at a traffic aggregator location;

[(39)] (40) “Person” includes an individual, and a firm or copartnership;

[(40)] (41) “Private shared tenant services” includes the provision of telecommunications and information management services and equipment within a user group located in discrete private premises as authorized by the commission by a commercial-shared services provider or by a user association, through privately owned customer premises equipment and associated data processing and information management services and includes the provision of connections to the facilities of local exchange telecommunications companies and to interexchange telecommunications companies;

[(41)] (42) “Private telecommunications system”, a telecommunications system controlled

by a person or corporation for the sole and exclusive use of such person, corporation or legal or corporate affiliate thereof;

[(42)] **(43)** “Public utility” includes every pipeline corporation, gas corporation, electrical corporation, telecommunications company, water corporation, heat or refrigerating corporation, and sewer corporation, as these terms are defined in this section, and each thereof is hereby declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission and to the provisions of this chapter;

[(43)] **(44)** “Railroad” includes every railroad and railway, other than street railroad or light rail, by whatsoever power operated for public use in the conveyance of persons or property for compensation, with all bridges, ferries, tunnels, equipment, switches, spurs, tracks, stations, real estate and terminal facilities of every kind used, operated, controlled or owned by or in connection with any such railroad;

[(44)] **(45)** “Railroad corporation” includes every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, holding, operating, controlling or managing any railroad or railway as defined in this section, or any cars or other equipment used thereon or in connection therewith;

[(45)] **(46)** “Rate”, every individual or joint rate, fare, toll, charge, reconsigning charge, switching charge, rental or other compensation of any corporation, person or public utility, or any two or more such individual or joint rates, fares, tolls, charges, reconsigning charges, switching charges, rentals or other compensations of any corporation, person or public utility or any schedule or tariff thereof;

[(46)] **(47)** “Resale of telecommunications service”, the offering or providing of telecommunications service primarily through the

use of services or facilities owned or provided by a separate telecommunications company, but does not include the offering or providing of private shared tenant services;

[(47)] **(48)** “Service” includes not only the use and accommodations afforded consumers or patrons, but also any product or commodity furnished by any corporation, person or public utility and the plant, equipment, apparatus, appliances, property and facilities employed by any corporation, person or public utility in performing any service or in furnishing any product or commodity and devoted to the public purposes of such corporation, person or public utility, and to the use and accommodation of consumers or patrons;

[(48)] **(49)** “Sewer corporation” includes every corporation, company, association, joint stock company or association, partnership or person, their lessees, trustees or receivers appointed by any court, owning, operating, controlling or managing any sewer system, plant or property, for the collection, carriage, treatment, or disposal of sewage anywhere within the state for gain, except that the term shall not include sewer systems with fewer than twenty-five outlets;

[(49)] **(50)** “Sewer system” includes all pipes, pumps, canals, lagoons, plants, structures and appliances, and all other real estate, fixtures and personal property, owned, operated, controlled or managed in connection with or to facilitate the collection, carriage, treatment and disposal of sewage for municipal, domestic or other beneficial or necessary purpose;

[(50)] **(51)** “Street railroad” includes every railroad by whatsoever type of power operated, and all extensions and branches thereof and supplementary facilities thereto by whatsoever type of vehicle operated, for public use in the conveyance of persons or property for compensation, mainly providing local transportation service upon the streets, highways and public places in a municipality, or in and

adjacent to a municipality, and including all cars, buses and other rolling stock, equipment, switches, spurs, tracks, poles, wires, conduits, cables, subways, tunnels, stations, terminals and real estate of every kind used, operated or owned in connection therewith but this term shall not include light rail as defined in this section; and the term “street railroad” when used in this chapter, shall also include all motor bus and trolley bus lines and routes and similar local transportation facilities, and the rolling stock and other equipment thereof and the appurtenances thereto, when operated as a part of a street railroad or trolley bus local transportation system, or in conjunction therewith or supplementary thereto, but such term shall not include a railroad constituting or used as part of a trunk line railroad system and any street railroad as defined above which shall be converted wholly to motor bus operation shall nevertheless continue to be included within the term “street railroad” as used herein;

[(51)] **(52)** “Telecommunications company” includes telephone corporations as that term is used in the statutes of this state and every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating, controlling or managing any facilities used to provide telecommunications service for hire, sale or resale within this state;

[(52)] **(53)** “Telecommunications facilities” includes lines, conduits, ducts, poles, wires, cables, crossarms, receivers, transmitters, instruments, machines, appliances and all devices, real estate, easements, apparatus, property and routes used, operated, controlled or owned by any telecommunications company to facilitate the provision of telecommunications service;

[(53)] **(54)** “Telecommunications service”, the transmission of information by wire, radio, optical cable, electronic impulses, or other similar means. As used in this definition, “information” means

knowledge or intelligence represented by any form of writing, signs, signals, pictures, sounds, or any other symbols. Telecommunications service does not include:

(a) The rent, sale, lease, or exchange for other value received of customer premises equipment except for customer premises equipment owned by a telephone company certificated or otherwise authorized to provide telephone service prior to September 28, 1987, and provided under tariff or in inventory on January 1, 1983, which must be detariffed no later than December 31, 1987, and thereafter the provision of which shall not be a telecommunications service, and except for customer premises equipment owned or provided by a telecommunications company and used for answering 911 or emergency calls;

(b) Answering services and paging services;

(c) The offering of radio communication services and facilities when such services and facilities are provided under a license granted by the Federal Communications Commission under the commercial mobile radio services rules and regulations;

(d) Services provided by a hospital, hotel, motel, or other similar business whose principal service is the provision of temporary lodging through the owning or operating of message switching or billing equipment solely for the purpose of providing at a charge telecommunications services to its temporary patients or guests;

(e) Services provided by a private telecommunications system;

(f) Cable television service;

(g) The installation and maintenance of inside wire within a customer's premises;

(h) Electronic publishing services; or

(i) Services provided pursuant to a broadcast radio or television license issued by the Federal Communications Commission;

[(54)] (55) “Telephone cooperative”, every corporation defined as a telecommunications company in this section, in which at least ninety percent of those persons and corporations subscribing to receive local telecommunications service from the corporation own at least ninety percent of the corporation's outstanding and issued capital stock and in which no subscriber owns more than two shares of the corporation's outstanding and issued capital stock;

[(55)] (56) “Traffic aggregator”, any person, firm, partnership or corporation which furnishes a telephone for use by the public and includes, but is not limited to, telephones located in rooms, offices and similar locations in hotels, motels, hospitals, colleges, universities, airports and public or customer-owned pay telephone locations, whether or not coin operated;

[(56)] (57) “Transitionally competitive telecommunications company”, an interexchange telecommunications company which provides any noncompetitive or transitionally competitive telecommunications service, except for an interexchange telecommunications company which provides only noncompetitive telecommunications service;

[(57)] (58) “Transitionally competitive telecommunications service”, a telecommunications service offered by a noncompetitive or transitionally competitive telecommunications company and classified as transitionally competitive by the commission pursuant to section 392.361 or 392.370, RSMo;

[(58)] (59) “Water corporation” includes every corporation, company, association, joint stock company or association, partnership and person, their lessees, trustees, or receivers appointed by any court whatsoever, owning, operating, controlling or managing any plant or property, dam or water supply, canal, or power station, distributing or selling for distribution, or selling or supplying for gain any water;

[(59)] (60) “Water system” includes all reservoirs, tunnels, shafts, dams, dikes, headgates, pipes, flumes, canals, structures and appliances, and all other real estate, fixtures and personal property, owned, operated, controlled or managed in connection with or to facilitate the diversion, development, storage, supply, distribution, sale, furnishing or carriage of water for municipal, domestic or other beneficial use.

392.261. 1. A provider of high-speed Internet access service or broadband service may elect, upon providing written notice to the commission, to provide high-speed Internet access service or broadband service on a nonregulated basis. With regard to those providers electing to provide high-speed Internet access service or broadband service on a nonregulated basis, the commission shall not, by entering any order, adopting any rule, or otherwise taking any agency action, impose any regulation upon a provider of high-speed Internet access service or broadband service in its provision of such service, regardless of technology or medium used to provide such service. Nothing in this section shall affect the commission's authority to regulate the rates, terms, and conditions of any voice telecommunications service as otherwise authorized under chapter 386, RSMo, and this chapter. Nothing in this section is intended to affect the commission's authority to regulate voice telecommunications services or the commission's authority to regulate copper loops for use by telecommunications providers pursuant to Federal Communications Commission's regulations.

2. An incumbent local exchange telecommunications company subject to the provisions of 47 U.S.C. Section 251(c) shall be required to provide access to unbundled network elements related to high-speed Internet access service or broadband service, including but not limited to loops, subloops, and collocation space within the facilities of the

incumbent local exchange telecommunication company only to the extent required to implement the Federal Communications Commission regulations.

3. Notwithstanding any provision of this section to the contrary, nothing in this section shall affect the commission's authority, to the extent otherwise provided in chapter 386, RSMo, and this chapter:

(1) To consider whether high-speed Internet access service and broadband service should be included in its definition of essential local telecommunications service pursuant to section 392.248;

(2) To establish or approve rates, terms, or conditions, in accordance with chapter 386, RSMo, and this chapter, for the use of a telecommunications company's facilities by a provider of high-speed Internet service or broadband service for the origination, termination, or transport of telecommunications services; or

(3) To consider whether revenues received by a telecommunications company from the provision of high-speed Internet access service or broadband service should be included in Missouri jurisdictional telecommunications services revenues for the purposes of imposing assessments in accordance with law, including but not limited to section 386.370, RSMo, and section 392.248.

4. A telecommunications company offering telecommunications services to Internet service providers shall make such offerings available to all Internet service providers on a nondiscriminatory basis as set forth in section 392.200.”; and

Further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted.

Senator Shields raised the point of order that SA 2 is out of order as it goes beyond the scope and title of the bill.

Senator Gross assumed the Chair.

The point of order was referred to the President Pro Tem, who ruled it well taken.

Senator Bartle assumed the Chair.

Senator Goode moved that SCS for HS for HCS for HB 228, as amended, be adopted, which motion prevailed.

On motion of Senator Goode, SCS for HS for HCS for HB 228, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—29			

NAYS—Senators—None

Absent—Senator Quick—1

Absent with leave—Senators

Coleman	DePasco	Dolan	Dougherty—4
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The President declared the bill passed.

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

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

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

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **SS** for **SCS** for **SB 555**, entitled:

An Act to repeal section 91.030, RSMo, and to enact in lieu thereof two new sections relating to the supply of electrical power and energy to aluminum smelting facilities, with an emergency clause.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to recede from its position on **HCS** for **SS** for **SCS** for **SB 298**, as amended, and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees to act with a like committee from the Senate on **HCS** for **SS** for **SCS** for **SB 298**, as amended. Representatives: Johnson (47), Engler, Emery, Villa, Jolly.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Kinder appointed the following conference committee to act with a like committee from the House on **HCS** for **SS** for **SCS** for **SB 298**, as amended: Senators Griesheimer, Childers, Steelman, Mathewson and Stoll.

PRIVILEGED MOTIONS

Senator Yeckel moved that the Senate request the House to grant further conference on **HCS** for **SB 552**, which motion prevailed.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 289**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 289**.

Emergency clause adopted.

PRIVILEGED MOTIONS

Senator Steelman, on behalf of the conference committee appointed to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 289**, as amended, moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 289

The Conference Committee appointed on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 289, with Senate Amendments Nos. 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 289, as amended;
2. That the House recede from its position on House Committee Substitute for House Bill No. 289;
3. That the attached Conference Committee Substitute for Senate Substitute for Senate

Committee Substitute for House Committee Substitute for House Bill No. 289, be Third Read and Finally Passed.

FOR THE SENATE: FOR THE HOUSE:

- /s/ Sarah Steelman /s/ Tom Dempsey
- /s/ David G. Klindt /s/ Brian Yates
- /s/ Jim Mathewson /s/ Melba Curls
- /s/ Wayne Goode /s/ David Pearce
- /s/ Charles R. Gross /s/ Denny J. Meredith III

Senator Steelman moved that the above conference committee report be adopted, which motion prevailed by the following vote:

YEAS—Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Childers	Clemens	Days
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—28

NAYS—Senators—None

Absent—Senators	
Champion	Scott—2

Absent with leave—Senators			
Coleman	DePasco	Dolan	Dougherty—4

On motion of Senator Steelman, **CCS** for **SS** for **SCS** for **HCS** for **HB 289**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 289

An Act to repeal sections 71.620, 99.845, 100.010, 100.050, 100.105, 100.180, 100.710, 100.840, 100.850, 135.207, 135.400, 135.431, 135.500, 135.503, 135.516, 135.520, 162.1100, 178.892, and 348.015, RSMo, and to enact in lieu thereof seventy new sections relating to tax

incentives for economic development, with an expiration date for certain sections, an emergency clause for certain sections and an effective date for a certain section.

Was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Childers	Clemens	Days
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Klindt	Loudon
Mathewson	Nodler	Quick	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—26		

NAYS—Senators—None			
Absent—Senators			
Champion	Kennedy	Kinder	Russell—4
Absent with leave—Senators			
Coleman	DePasco	Dolan	Dougherty—4

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Childers	Clemens	Days
Foster	Gibbons	Griesheimer	Gross
Jacob	Kennedy	Klindt	Loudon
Mathewson	Nodler	Quick	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—26		

NAYS—Senators—None

Absent—Senators			
Champion	Goode	Kinder	Russell—4

Absent with leave—Senators			
Coleman	DePasco	Dolan	Dougherty—4

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

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

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

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HS** for **HB 511**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HS** for **HB 511**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 407** and has taken up and passed **CCS** for **HCS** for **SB 407**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SB 448** and has taken up and passed **CCS** for **HCS** for **SB 448**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **HCS** for **SCS No. 2** for **SB 52** and has taken up and passed **CCS** for **HCS** for **SCS No. 2** for **SB 52**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SCR 10**.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 924, regarding Kari Blankenship, Eldon, which was adopted.

Senator Vogel offered Senate Resolution No. 925, regarding Dustin Lehman, Gravois Mills, which was adopted.

Senator Vogel offered Senate Resolution No. 926, regarding Ashley Briggs, Fulton, which was adopted.

Senator Vogel offered Senate Resolution No. 927, regarding Laura Shanley, Fulton, which was adopted.

Senator Vogel offered Senate Resolution No. 928, regarding Emily Omohundro, Fulton, which was adopted.

Senator Vogel offered Senate Resolution No. 929, regarding Ryan Price, Tipton, which was adopted.

Senator Vogel offered Senate Resolution No. 930, regarding Rebecca Williams, Tipton, which was adopted.

Senator Vogel offered Senate Resolution No. 931, regarding Hannah Combs, Tipton, which was adopted.

Senator Vogel offered Senate Resolution No. 932, regarding Brad Homan, Syracuse, which was adopted.

Senator Vogel offered Senate Resolution No. 933, regarding Elizabeth Allison, Tipton, which was adopted.

Senator Vogel offered Senate Resolution No. 934, regarding Lori Albin, Tipton, which was adopted.

Senator Vogel offered Senate Resolution No. 935, regarding Corey Williams, Tipton, which was

adopted.

Senator Vogel offered Senate Resolution No. 936, regarding Aryn Price, Tipton, which was adopted.

Senator Vogel offered Senate Resolution No. 937, regarding Breanna Merriott, Versailles, which was adopted.

Senator Vogel offered Senate Resolution No. 938, regarding Courtney Clarke, Morgan County, which was adopted.

Senator Stoll offered Senate Resolution No. 939, regarding MacKenzie Joseph “Mac” Stephens, St. Louis, which was adopted.

Senator Stoll offered Senate Resolution No. 940, regarding Elizabeth J. “Betty” McLard, Barnhart, which was adopted.

Senator Cauthorn offered Senate Resolution No. 941, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jack Gwinner, Hannibal, which was adopted.

Senator Cauthorn offered Senate Resolution No. 942, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Frederick J. Voepel, Palmyra, which was adopted.

Senator Cauthorn offered Senate Resolution No. 943, regarding Gary L. Sharp, Boonville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 944, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Lloyd Brocaille, Hannibal, which was adopted.

Senator Foster offered Senate Resolution No. 945, regarding Ryan Michael Sullivan, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 946, regarding Cassie Mathis, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 947, regarding Melinda Ann Rushing, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 948, regarding Lindsey N. Humphrey, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 949, regarding Rachel Beth Kurz, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 950, regarding Laura French, Harviell, which was adopted.

Senator Foster offered Senate Resolution No. 951, regarding Stacy L. Humphrey, Poplar Bluff, which was adopted.

Senator Griesheimer offered Senate Resolution No. 952, regarding Diana Garbs, Marthasville, which was adopted.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 2003

TO THE SECRETARY OF THE SENATE

92nd GENERAL ASSEMBLY

FIRST REGULAR SESSION

STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 371 entitled:

AN ACT

To repeal sections 173.355 and 173.385, RSMo, and to enact in lieu thereof two new sections relating to the Missouri higher education loan authority.

On May 8, 2003, I approved said Senate Bill No. 371.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

May 8, 2003

TO THE SECRETARY OF THE SENATE

92nd GENERAL ASSEMBLY

FIRST REGULAR SESSION
STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bills Nos. 194 & 189 entitled:

AN ACT

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

On May 8, 2003, I approved said Senate Committee Substitute for Senate Bills Nos. 194 & 189.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
May 8, 2003

TO THE SECRETARY OF THE SENATE
92nd GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 255 entitled:

AN ACT

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

On May 8, 2003, I approved said Senate Bill No. 255.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
May 8, 2003

TO THE SECRETARY OF THE SENATE
92nd GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI:

Herewith I return to you Senate Committee Substitute for Senate Bill No. 239 entitled:

AN ACT

To authorize the governor to convey a tract of land owned by the state in the county of Pettis.

On May 8, 2003, I approved said Senate Committee Substitute for Senate Bill No. 239.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
May 8, 2003

TO THE SECRETARY OF THE SENATE
92nd GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 14 entitled:

AN ACT

To repeal section 84.510, RSMo, relating to certain police officers, and to enact in lieu thereof one new section relating to the same subject.

On May 8, 2003, I approved said Senate Bill No. 14.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
May 8, 2003

TO THE SECRETARY OF THE SENATE
92nd GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 50 entitled:

AN ACT

To repeal section 116.130, RSMo, relating to verification of signatures on initiative or referendum petitions, and to enact in lieu thereof one new section relating to the same subject.

On May 8, 2003, I approved said Senate Bill No. 50.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
May 8, 2003

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
May 8, 2003

TO THE SECRETARY OF THE SENATE
92nd GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI:

TO THE SECRETARY OF THE SENATE
92nd GENERAL ASSEMBLY
FIRST REGULAR SESSION
STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 232 entitled:

Herewith I return to you Senate Bill No. 235 entitled:

AN ACT

AN ACT

To authorize the conveyance of property at Thousand Hills State Park.

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

On May 8, 2003, I approved said Senate Bill No. 232.

On May 8, 2003, I approved said Senate Bill No. 235.

Respectfully submitted,

Respectfully submitted,

BOB HOLDEN

BOB HOLDEN

Governor

Governor

Also,

Unofficial

On motion of Senator Gibbons, the Senate adjourned until 12:30 p.m., Monday, May 12, 2003.

SENATE CALENDAR

Journal

SEVENTY-FIRST DAY—MONDAY, MAY 12, 2003

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 564-Gross

SENATE BILLS FOR PERFECTION

SB 414-Steelman, with SCS

SB 454-Coleman and Dougherty,
with SCS

HOUSE BILLS ON THIRD READING

- | | |
|--|--|
| 1. HB 598-Schlottach, et al,
with SCS (Dolan) | 5. HS for HCS for HBs 679
& 396-Hanaway (Shields) |
| 2. HB 327-Lipke, with SCS
(Dolan) | 6. HCS for HB 138 (Klindt) |
| 3. HCS for HB 185, with SCS
(Gross) | 7. HS for HB 481-Crowell |
| 4. HB 91-Mayer, with SCS
(Steelman) | 8. HB 655-Wilson (130) (Foster) |
| | 9. HB 189-Parker, et al |
| | 10. HS for HCS for HB 121-
Portwood, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| SB 18-Yeckel and Cauthorn, with
SCS & SS for SCS (pending) | SBs 343, 89, 134, 171, 240, 261,
331, 368, 369, 419, 484 &
581-Dolan, with SCS |
| SB 24-Steelman, with SCS
& SS for SCS (pending) | SB 347-Loudon, et al, with SCS |
| SB 27-Gibbons, with SCS | SB 362-Steelman and Gross |
| SB 33-Loudon and Scott,
with SS (pending) | SBs 381, 384, 432 & 9-Dolan, with
SCS & SS for SCS (pending) |
| SB 51-Shields, with SS,
SS for SS & SA 1 (pending) | SBs 415, 88, 200, 223, 413, 523,
589 & 626-Yeckel, with SCS |
| SB 112-Loudon, with SCS | SB 416-Yeckel, with SCS |
| SBs 125 & 290-Goode, with
SCS & SA 6 (pending) | SB 434-Yeckel, with SCS |
| SB 209-Steelman, et al,
with SCS | SB 436-Klindt, with SCS,
SS for SCS & SA 2 (pending) |
| SB 217-Champion and
Clemens, with SS (pending) | SB 446-Bartle, with SCS |
| SB 241-Yeckel, with SCS | SB 449-Bartle |
| SB 253-Steelman, et al,
with SCS, SS for SCS &
SA 1 (pending) | SB 450-Mathewson, et al, with
SCS, SS for SCS & SA 2 (pending) |
| SB 300-Cauthorn, et al, with SCS | SB 455-Dougherty and Shields |
| SBs 312, 49, 111, 113, 191, 206,
263, 404, 409, 418, 538, 550 &
584-Dolan, et al, with SCS | SB 458-Childers |
| | SB 460-Loudon, with SS & SA 1
(pending) |
| | SB 476-Jacob |
| | SB 485-Shields, with SCS |
| | SB 531-Childers, with SCS |

SB 685-Gibbons, et al, with SCS
SB 693-Klindt, et al, with SCS

SJR 13-Stoll

HOUSE BILLS ON THIRD READING

HCS for HB 144, with SCS
(Vogel)

HS for HB 197-Johnson (47),
with SCS & SCA 1 (Shields)

HB 198-Stevenson, et al (Nodler)

HB 208-Engler, et al, with SCS
(Kinder)

HS for HCS for HB 257-
Munzlinger, with SCS (Cauthorn)

HB 286-Bearden, with SCS
(Shields)

HCS for HB 288, with SCS
(Shields)

HS for HCS for HB 321-
Wilson (130), with SS & SS
for SS (pending) (Loudon)

HB 412-Goodman, et al (Childers)

HB 444-Jackson, with SCS (Yeckel)

HB 445-Portwood, et al, with SCS
(Loudon)

HS for HB 470-Mayer, with SCS (Bartle)

HS for HCS for HBs 517, 94, 149,
150 & 342-Portwood, with SCS
(Gross)

HS for HCS for HB 564-Behnen,
with SCS (Yeckel)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

Reported 3/13

SB 159-Bland, with SCS
SB 694-Klindt

SB 490-Dolan

House Bills

Reported 4/14

HB 505-Byrd and Villa,
with SCS (Mathewson)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SB 358-Shields,
with HCS
SB 370-Foster, with HCS
SB 470-Bartle, with HCS
SB 521-Gross, with HCS

SS for SCS for SB 555-
Kinder, with HS for HCS
SCS for SB 592-Foster,
with HCS

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

SS for SCS for SB 36-Klindt,
with HCS, as amended

SCS for SB 69-Yeckel and
Nodler, with HCS

SB 186-Cauthorn, with HCS
(Senate adopted CCR
and passed CCS)

SCS for SB 246-Steelman, et al,
with HS for HCS, as amended

SS for SCS for SB 298-
Griesheimer, with HCS,
as amended

SCS for SBs 299 & 40-Champion,
et al, with HS, as amended

SCS for SB 379-Champion,
with HCS

SB 394-Bartle, with HCS, as amended

SB 401-Dolan, et al, with HCS

SB 552-Yeckel, with HCS

(Senate requests House
grant further conference)

HCS for HB 427, with SCS (Bartle)

HS for HB 511-Deeken, with SS

for SCS, as amended (Yeckel)

(House adopted CCR
and passed CCS)

HCS for HB 600, with SS for SS
for SCS, as amended (Shields)

HCS for HB 613, with SCS,
as amended (Bartle)

HS for HB 668-Crawford, with SS
for SCS, as amended (Dolan)

RESOLUTIONS

SCR 15-Dolan, et al

To be Referred

HCR 29-Jetton, et al

Reported from Committee

SR 30-Shields, with SCS, SS
for SCS & SA 1 (pending)
SCR 4-Jacob
HCR 15-Behnen (Cauthorn)
SCR 18-Mathewson and
Steelman

HCR 11-Moore and Walton (Bland)
SR 900-Mathewson
HCR 3-Townley (Klindt)
HCR 5-Townley (Klindt)
HCR 32-Miller (Gibbons)

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