

Journal of the Senate

FIRST REGULAR SESSION

SEVENTEENTH DAY—THURSDAY, FEBRUARY 6, 2003

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

“Then Joshua said to the people, ‘Sanctify yourselves; for tomorrow the Lord will do wonders among you.’” (Joshua 3:5)

Holy God, You have shown us Your unconditional love for us over and over again, especially in those You have given us to love and share this life. Help us to prepare ourselves spiritually for the wondrous gifts You continue to provide us and may we be found among Your people who place their trust and faith in You, who bless our lives. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

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

Yeckel—33

Absent with leave—Senator DePasco—1

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 136, regarding Curtis Lamont, Cedar, Kansas, which was adopted.

Senator Kennedy offered Senate Resolution No. 137, regarding the Eastern Reception, Diagnostic and Correctional Center, Bonne Terre, which was adopted.

Senator Champion offered Senate Resolution No. 138, regarding Linda Dollar, Springfield, which was adopted.

Senator Yeckel offered Senate Resolution No. 139, regarding Dr. Lee McKinney, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 140, regarding the One Hundredth Anniversary of the Knights of Columbus, DeSmet Council 742, St. Louis County, which was adopted.

Senator Wheeler offered Senate Resolution No. 141, regarding the Labor’s Educational and Political Club Independent awards recipients, which was adopted.

Senator Yeckel offered Senate Resolution No. 142, regarding the Crestwood Aquatic Center, Whitecliff Park, which was adopted.

Senator Yeckel offered Senate Resolution No. 143, regarding Marla Dell, which was adopted.

Senator Yeckel offered Senate Resolution No. 144, regarding Jim Russell, which was adopted.

Senator Gibbons offered Senate Resolution No. 145, regarding Anthony David "Tony" Zehnle, St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 146, regarding the One Hundred Fiftieth Anniversary of the City of Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 147, regarding John Francis Mosher, St. Louis, which was adopted.

Senator Gross offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 148

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his adult life serving freedom and advancing the public good as an entertainer, Union leader, corporate spokesman, Governor of California, and President of the United States; and

WHEREAS, Ronald Reagan was inaugurated the fortieth president of the United States in 1981, in which capacity he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

WHEREAS, Ronald Reagan was elected to a second term in office by a landslide victory unprecedented in American history, winning forty-nine of the fifty states in the 1984 general election; and

WHEREAS, during his presidency, Ronald Reagan worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government which led to an unprecedented economic expansion and boundless opportunity for a multitude of Americans; and

WHEREAS, Ronald Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

WHEREAS, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the free world, and prepared America's Armed Forces to win the Gulf War; and

WHEREAS, President Reagan's vision of "peace through strength" precipitated the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

WHEREAS, Ronald Reagan will attain the age of 92 on February 6, 2003:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, First Regular Session, join unanimously to applaud the outstanding leadership provided by Ronald Reagan during his eight years as president of the United States, to express deep gratitude for his achievements on behalf of this nation, and to wish him well upon the occasion of his Ninety-second Birthday; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for President Ronald Wilson Reagan.

Senator Caskey offered Senate Resolution No. 149, regarding the Eightieth Birthday of Paul Dan McClure, Appleton City, which was adopted.

Senator Kinder offered Senate Resolution No. 150, regarding Floyd Michael Dillender, Bertrand, which was adopted.

CONCURRENT RESOLUTIONS

Senators Cauthorn, Klindt, Loudon, Russell, Gross, Gibbons, Scott, Nodler, Clemens and Steelman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 5

WHEREAS, marriage is the cornerstone of our society; and

WHEREAS, marriage between one man and one woman preceded and composed the bedrock of human society; and

WHEREAS, the benefits of marriage between one man and one woman are substantial and undeniable, both for the individuals involved and any children resulting from the union; and

WHEREAS, a case currently pending before the Massachusetts Supreme Court could potentially destroy the traditional understanding of marriage as a union between one man and one woman; and

WHEREAS, there is the present trend by activist groups to undermine current laws protecting the marriage between one man and one woman; and

WHEREAS, the federal marriage amendment is drafted to ensure the democratic process by allowing the state to retain existing authority to legislate in the area of marital benefits including privileges associated with marriage:

NOW, THEREFORE, BE IT RESOLVED that the members of the Senate of the Ninety-Second General Assembly, First Regular Session, the House of Representatives concurring herein, hereby

urge the members of the United States Congress to take up and pass the Federal Marriage Amendment to the Constitution; and

BE IT FURTHER RESOLVED that the secretary of the senate be instructed to prepare a properly inscribed copy of this resolution for the President of the United State Senate, the Speaker of the United States House of Representatives and each member of the Missouri Congressional delegation.

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 438—By Clemens, Wheeler, Coleman, Gross, Russell, Kennedy, Dolan and Scott.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to a memorial highway.

SB 439—By Steelman.

An Act to amend chapter 204, RSMo, by adding thereto two new sections relating to territorial service agreements for sewer districts.

SB 440—By Steelman.

An Act to repeal section 393.015, RSMo, and to enact in lieu thereof one new section relating to water service disconnection for nonpayment of sewer bill.

SB 441—By Dougherty.

An Act to amend chapter 701, RSMo, by adding thereto one new section relating to property tax collection.

SB 442—By Gross and Yeckel.

An Act to amend chapter 195, RSMo, by adding thereto one new section relating to restrictions on public access to ephedrine products, with penalty provisions.

SB 443—By Gross.

An Act to repeal section 311.070, RSMo, and to enact in lieu thereof one new section relating to microbrewers, with penalty provisions.

SB 444—By Shields and Steelman.

An Act to amend chapter 376, RSMo, by adding thereto two new sections relating to health insurance coverage for chiropractic care.

SB 445—By Shields.

An Act to repeal section 166.300, RSMo, and to enact in lieu thereof one new section relating to the school building revolving fund.

SB 446—By Bartle.

An Act to repeal sections 57.290, 67.133, 143.782, 454.505, 455.027, 455.075, 455.504, 455.536, 455.516, 476.058, 476.385, 477.600, 488.426, 488.445, 488.2300, 488.4014, 488.5320, 488.5339, 491.300, 494.410, 511.350, 511.510, 517.141, 517.151, 535.030, 577.051, and 595.045, RSMo, and to enact in lieu thereof twenty-nine new sections relating to court procedures.

SB 447—By Bartle.

An Act to amend chapters 477 and 488, RSMo, by adding thereto two new sections relating to the basic civil legal services fund.

SB 448—By Bartle.

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.

SB 449—By Bartle.

An Act to repeal sections 197.305, 197.315, 197.317, 197.325, 197.340, 197.345, 197.355, 197.357, and 197.366, RSMo, and to enact in lieu thereof nine new sections relating to certificate of need.

SB 450—By Mathewson, Gibbons, Steelman, Caskey, Goode, Bray and Childers.

An Act to amend chapter 37, RSMo, by adding thereto five new sections relating to the reorganization of the state health care system, with an emergency clause.

SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 18**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 18** was again taken up.

Senator Yeckel moved that **SCS** for **SB 18** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 18, Page 1, Section 166.435, Line 4, by deleting the words “**or any other state or subdivision thereof**”; and further amend said section and page, lines 9-10, by deleting the words “**or any other state or subdivision thereof**”; and further amend said section, page 2, lines 18-19, by deleting the words “**or any other state or subdivision thereof**”; and further said section and page, lines 23-24, by deleting the words “**or any other state or subdivision thereof**”; and further amend said section and page, line 29, by inserting after the word “such”, the following: “**Missouri**”; and further amend said section and page, line 31, by inserting after the word “the” the following: “**state**”; and further amend said section and page, lines 31-32, by deleting the words “**appropriate state or political subdivision authority**”.

Senator Jacob moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Caskey, Quick, Stoll and Yeckel.

SA 1 failed of adoption by the following vote:

YEAS—Senators

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

NAYS—Senators

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

Absent—Senators—None

Absent with leave—Senator DePasco—1

Senator Bray offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 18, Page 1, Section A, Line 4, by inserting immediately after said line the following:

“166.415. 1. There is hereby created the “Missouri Higher Education Savings Program”. The program shall be administered by the Missouri higher education savings program board which [shall] **may** consist of the Missouri state treasurer who shall serve as chairman, the commissioner of the department of higher education, the commissioner of the office of administration, the director of the department of economic development and two persons having demonstrable experience and knowledge in the areas of finance or the investment and management of public funds, one of whom is selected by the president pro tem of the senate and one of whom is selected by the speaker of the house of representatives. The two appointed members shall be appointed to serve for terms of four years from the date of appointment, or until their successors shall have been appointed and shall have qualified. The members of the board shall be subject to the conflict of interest provisions of section 105.452, RSMo. Any member who violates the conflict of interest provisions shall be removed from the board. In order to establish and administer the savings program, the board, in addition to its other powers and authority, shall have the power and authority to:

(1) Develop and implement the Missouri higher education savings program and, notwithstanding any provision of sections 166.400 to 166.455 to the contrary, the savings programs and services consistent with the purposes and objectives of sections 166.400 to 166.455;

(2) Promulgate reasonable rules and regulations and establish policies and procedures to implement sections 166.400 to 166.455, to permit the savings program to qualify as a “qualified state tuition program” pursuant to Section 529 of the Internal Revenue Code and to ensure the savings program's compliance with all applicable laws;

(3) Develop and implement educational programs and related informational materials for participants, either directly or through a contractual arrangement with a financial institution for investment services, and their families, including special programs and materials to inform families with young children regarding methods for financing education and training beyond high school;

(4) Enter into agreements with any financial institution, the state or any federal or other agency or entity as required for the operation of the savings program pursuant to sections 166.400 to 166.455;

(5) Enter into participation agreements with participants;

(6) Accept any grants, gifts, legislative appropriations, and other moneys from the state, any unit of federal, state, or local government or any other person, firm, partnership, or corporation for deposit to the account of the savings program;

(7) Invest the funds received from participants in appropriate investment instruments to achieve long-term total return through a combination of capital appreciation and current income;

(8) Make appropriate payments and distributions on behalf of beneficiaries pursuant to participation agreements;

(9) Make refunds to participants upon the termination of participation agreements pursuant to the provisions, limitations, and restrictions set forth in sections 166.400 to 166.455 and the rules adopted by the board;

(10) Make provision for the payment of costs of administration and operation of the savings program;

(11) Effectuate and carry out all the powers granted by sections 166.400 to 166.455, and have all other powers necessary to carry out and effectuate the purposes, objectives and provisions of sections 166.400 to 166.455 pertaining to the savings program; and

(12) Procure insurance, guarantees or other protections against any loss in connection with the assets or activities of the savings program.

2. Any member of the board may designate a proxy for that member who will enjoy the full voting privileges of that member for the one meeting so specified by that member. No more than three proxies shall be considered members of the board for the purpose of establishing a quorum.

3. Four members of the board shall constitute a quorum. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board. No action shall be taken by the board except upon the affirmative vote of a majority of the members present.

4. The board shall meet within the state of Missouri at the time set at a previously scheduled meeting or by the request of any four members of the board. Notice of the meeting shall be delivered to all other trustees in person or by depositing notice in a United States post office in a properly stamped and addressed envelope not less than six days prior to the date fixed for the meeting. The board may meet at any time by unanimous mutual consent. There shall be at least one meeting in each quarter.

5. The funds shall be invested only in those investments which a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims, as provided in section 105.688, RSMo. The board may delegate to duly appointed investment counselors authority to act in place of the board in the investment and reinvestment of all or part of the moneys and may also delegate to such counselors the authority to act in place of the board in the holding, purchasing, selling, assigning, transferring or disposing of any or all of the securities and investments in which such moneys shall have been invested, as well as the proceeds of such investments and such moneys. Such investment counselors shall be registered as investment advisors with the United States Securities and Exchange Commission. In exercising or delegating its investment powers and authority, members of the board shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. No member of the board shall be liable for any action taken or omitted with respect to the exercise of, or delegation of, these powers and authority if such member shall have discharged the duties of his or her position in good faith and with that degree of diligence, care and skill which a prudent person acting in a like capacity and familiar with these matters would use in the conduct of an enterprise of a like character and with like aims.

6. No investment transaction authorized by the board shall be handled by any company or firm in which a member of the board has a substantial interest, nor shall any member of the board profit directly or indirectly from any such investment.

7. No trustee or employee of the savings program shall receive any gain or profit from any funds or transaction of the savings program. Any trustee, employee or agent of the savings program accepting any gratuity or compensation for the purpose of influencing such trustee's, employee's or agent's action with respect to the investment or

management of the funds of the savings program shall thereby forfeit the office and in addition thereto be subject to the penalties prescribed for bribery.”; and

Further amend the title and enacting clause accordingly.

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

Senator Kennedy offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 18, Page 2, Section 166.435, Lines 25-26, by deleting the words “for the taxpayer”.

Senator Kennedy moved that the above amendment be adopted.

Senator Yeckel requested a roll call vote be taken on the adoption of **SA 3** and was joined in her request by Senators Cauthorn, Dolan, Clemens and Mathewson.

SA 3 failed of adoption by the following vote:

YEAS—Senators

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

NAYS—Senators

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

Absent—Senators—None

Absent with leave—Senator DePasco—1

At the request of Senator Yeckel, **SB 18**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Mary H. Quigley, as a member of the Special Health, Psychological and Social Needs of Minority Older Individuals Commission;

Also,

Sharon Smith, Deborah U. Parsons, Letitia R. Thomas, Cletus B. Kraenzle, Robert P. O'Dell and Joann E. Noll, as members of the Missouri Planning Council on Developmental Disabilities;

Also,

Sharon M. Keating, as a member of the Missouri Real Estate Commission;

Also,

Greg S. Gaffke and Ralph M. Caro, as members of the Lincoln University Board of Curators;

Also,

Jack C. Baker and Barry M. Kayes, as members of the Air Conservation Commission;

Also,

Robert W. Honan, Amber H. Boykins and Anne Marie Young, as members of the Missouri Training and Employment Council;

Also,

John M. Holbrook, as a member of the Board of Geologist Registration;

Also,

Lowell C. Kruse, as a member of the

Coordinating Board for Higher Education;

Also,

Judith Sutter Hinrichs and Muriel W. Battle, as members of the Missouri Gaming Commission;

Also,

Jessie J. Harris, Jr. and Rose Utley, Ph.D., R.N., as members of the Missouri Community Service Commission;

Also,

David Eric McClure, as Commissioner of the Missouri Division of Finance;

Also,

John J. Hickey and Kenneth D. Legan, as members of the Labor and Industrial Relations Commission;

Also,

Russell V. Thompson, as a member of the State Board of Education;

Also,

Mark S. Hasheider and Thomas C. Roeseler, as members of the Seismic Safety Commission;

Also,

Cosette D. Kelly, as a member of the Clean Water Commission;

Also,

Robert T. Jackson, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees;

Also,

Charli Jo Ledgerwood, as a member of the Safe Drinking Water Commission;

Also,

Richard C. Dunn, ACSW, LCSW, as Director of the Department of Health and Senior Services.

Senator Kinder moved that the above

committee reports be adopted, and the Senate do give its advice and consent in one motion.

Senator Kinder requested a division of the question on the motion to adopt the committee reports asking that a vote first be taken on all the appointments in one motion with the exception of Richard C. Dunn and that a second vote be taken on his appointment, which request was granted.

Senator Kinder moved that the committee reports, excluding Richard C. Dunn, be adopted, which motion prevailed.

Senator Champion moved that the committee report on Richard C. Dunn be adopted and the Senate do give its advice and consent to the appointment.

Senator Loudon offered a substitute motion that the appointment of Richard C. Dunn be sent back to the Committee on Gubernatorial Appointments and requested a roll call vote be taken. He was jointed in his request by Senators Cauthorn, Clemens, Goode and Stoll.

The substitute motion made by Senator Loudon failed by the following vote:

YEAS—Senators

Bartle	Cauthorn	Clemens	Griesheimer
Gross	Loudon	Nodler	Russell
Steelman	Yeckel—10		

NAYS—Senators

Bland	Bray	Caskey	Champion
Childers	Coleman	Days	Dolan
Dougherty	Foster	Gibbons	Goode
Jacob	Kennedy	Kinder	Klindt
Mathewson	Quick	Scott	Shields
Stoll	Vogel	Wheeler—23	

Absent—Senators—None

Absent with leave—Senator DePasco—1

Senator Champion renewed her motion that the committee report on Richard C. Dunn be adopted and the Senate do give its advice and

consent.

Senator Loudon requested a roll call vote be taken on the motion made by Senator Champion and was joined in his request by Senators Cauthorn, Childers, Clemens and Kinder.

The motion to adopt the committee report and to give advice and consent to the appointment of Richard C. Dunn was adopted by the following vote:

YEAS—Senators

Bland	Bray	Caskey	Champion
Childers	Coleman	Days	Dougherty
Gibbons	Goode	Jacob	Kinder
Klindt	Mathewson	Quick	Scott
Shields	Stoll	Vogel	Wheeler—20

NAYS—Senators

Bartle	Cauthorn	Clemens	Dolan
Foster	Griesheimer	Gross	Kennedy
Loudon	Nodler	Russell	Steelman
Yeckel—13			

Absent—Senators—None

Absent with leave—Senator DePasco—1

President Pro Tem Kinder assumed the Chair.

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

Mr. President: Your Committee on Education, to which was referred **SB 265**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 36**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SB 299** and **SB 40**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 55**, 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 Pensions and General Laws, to which was referred **SB 217**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 51**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SR 30**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE RESOLUTION NO. 30
Notice of Proposed Rule Change

BE IT RESOLVED by the Senate of the Ninety-second General Assembly, First Regular Session, that Senate Rule 95 be

amended to read as follows:

"Rule 95. 1. Notetaking and writing in the Senate Gallery is permissible, but no person shall enter the Senate Gallery with any typewriter or recording device. Laptop computers may be used **in the Senate Chamber by any member of the Senate at the research table subject to the research staff's priority over available space, and provided that such member shall only use his or her personal laptop**; by the press at the press table [in the Senate Chamber.]; **by members of the Division of Senate Research at the research table; and by the Secretary of the Senate at the dais. No computer shall be connected to any network, whether by wired or wireless connection, except those used by the members of the Division of Senate Research and the Secretary of the Senate. No member of the Senate shall request a member of the Division of Senate Research to provide any form of electronic document or data from any computer in the Senate Chamber, except for copies or drafts of bills or resolutions, and amendments and substitutes thereto.** No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they don't prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area."

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS for SCS for SB 30**; and **SB 15**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Bartle assumed the Chair.

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
 February 4, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
 OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointments to office made by me and submitted to you on January 8, 2003 for your advice and consent:

Ronald W. Randen, 195 State Highway 153, P.O. Box 91, Gideon, New Madrid County, Missouri 63848, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2003, and until his successor is duly appointed and qualified; vice, Ronald Breshears, resigned.

Carol F. Stow, Democrat, 1525 Timber Trail, Jefferson City, Cole County, Missouri 65109-1921, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until her successor is duly appointed and qualified; vice, Solomon Agin, resigned.

Owen Lunn, 331 East Locust Street, Nevada, Vernon County, Missouri 64772, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Shonagh K. Clements, 2501 Sublette Avenue, St. Louis City, Missouri 63110, as a member of the Bi-State Development Agency Board of Commissioners, for a term ending November 11, 2007, and until her successor is duly appointed and qualified; vice, Margaret Donnelly, term expired.

Don Walsworth, Democrat, 315 West Santa Fe, Marceline, Linn County, Missouri 64658, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2009, and until his successor is duly appointed and qualified; vice, Paul Steele, term expired.

James W. "Jamie" Graham, 1501 S. Jamison Street, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Cheryl Walker, Republican, 2729 Saint Vincent Avenue, St. Louis City, Missouri 63104, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2009, and until her successor is duly appointed and qualified; vice, Beverly "Malaika" Horne, term expired.

Doug Randell, 8947 Edna Street, St. Louis City, Missouri 63147, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 1, 2004, and until his successor is duly appointed and qualified; vice, David Rice, term expired.

Respectfully submitted,
 BOB HOLDEN
 Governor

President Pro Tem Kinder requested unanimous consent of the Senate to return the above appointments in one motion. There being no objection, the request was granted.

President Pro Tem Kinder moved that the above appointments be returned to the Governor pursuant to his request, which motion prevailed.

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

OFFICE OF THE GOVERNOR
 State of Missouri
 Jefferson City, Missouri
 February 5, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
 OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Steve Roling, 11920 Summit Street, Kansas City, Jackson County, Missouri 64145-1035, as Director of the Department of Social Services, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Kathy Martin, resigned.

Respectfully submitted,
 BOB HOLDEN
 Governor

Also,

OFFICE OF THE GOVERNOR
 State of Missouri
 Jefferson City, Missouri
 February 6, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
 OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Shonagh K. Clements, 2501 Sublette Avenue, St. Louis City, Missouri 63110, as a member of the Bi-State Development Agency Board of Commissioners, for a term ending November 11, 2007, and until her successor is duly appointed and qualified; vice, Margaret Donnelly, term expired.

Respectfully submitted,
 BOB HOLDEN
 Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 6, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

James W. "Jamie" Graham, 514 S. Bradford, T4, Kirksville, Adair County, Missouri 63501, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 6, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Owen Lunn, 331 East Locust Street, Nevada, Vernon County, Missouri 64772, as a member of the Missouri Planning Council on Developmental Disabilities, for a term ending June 30, 2005, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 6, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Doug Randell, 8947 Edna Street, St. Louis City, Missouri 63147, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 1, 2004, and until his

successor is duly appointed and qualified; vice, David Rice, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 6, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ronald W. Randen, 195 State Highway 153, P.O. Box 91, Gideon, New Madrid County, Missouri 63848, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2003, and until his successor is duly appointed and qualified; vice, Ronald Breshears, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 6, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Carol F. Stow, Democrat, 1525 Timber Trail, Jefferson City, Cole County, Missouri 65109-1921, as a member of the Missouri Community Service Commission, for a term ending December 15, 2003, and until her successor is duly appointed and qualified; vice, Solomon Agin, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 6, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Cheryl Walker, Republican, 2729 Saint Vincent Avenue, St. Louis City, Missouri 63104, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2009, and until her successor is duly appointed and qualified; vice, Beverly "Malaika" Horne, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 6, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Don Walsworth, Democrat, 315 West Santa Fe, Marceline, Linn County, Missouri 64658, as a member of the University of Missouri Board of Curators, for a term ending January 1, 2009, and until his successor is duly appointed and qualified; vice, Paul Steele, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

February 5, 2003

REORGANIZATION PLAN NO. 1
2003

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF
THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 1 of 2003, by Executive Order 03-02, establishing the Family Support Division within the Department of Social Services.

Respectfully submitted,
Bob Holden
Governor

EXECUTIVE ORDER

03-02

WHEREAS, the Department of Social Services is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 660, RSMo; and

WHEREAS, the Division of Family Services is created pursuant to Section 660.010, RSMo, within the Department of Social Services; and

WHEREAS, the Division of Child Support Enforcement is created pursuant to Section 454.400, RSMo, within the Department of Social Services; and

WHEREAS, the Division of Family Services, Income Maintenance Unit serves clients who are also served by the Division of Child Support Enforcement; and

WHEREAS, federal law establishes the child support program and other public assistance programs, separately; and

WHEREAS, by combining the public assistance programs, such as food stamps, temporary assistance, rehabilitation services for the blind, general relief, supplemental nursing care assistance, medical assistance eligibility, and energy assistance, and the child support enforcement program, Missouri could operate more efficiently and effectively; and

WHEREAS, I am committed to integrating executive branch operations to improve the way the state delivers services; and

WHEREAS, the transfer of these functions to a new Family Support Division within the Department of Social Services is a component of the Governor's Reorganization Plan of 2003, which is designed to streamline state government and make it as efficient as possible.

NOW, THEREFORE I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby establish the Family Support Division within the Department of Social Services and order the Department to:

1. Utilize the Family Support Division as the vehicle through which economies and efficiencies of scale are maximized by combining certain child support functions with certain income maintenance functions; and
2. Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Family Services into the Family Support Division, except individualized assessment for work readiness, work readiness training, child welfare functions, early childhood, and child care assistance, by Type I transfer, as defined under the Reorganization Act of 1974; and
3. Transfer all authority, powers, duties, functions,

records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Child Support Enforcement to the Family Support Division, except the parents' fair share program, by Type I transfer, as defined under the Reorganization Act of 1974; and

- 4. Take the steps necessary to maintain compliance with federal requirements, such as filing a state plan amendment, so as not to jeopardize federal financial participation.

This Order shall become effective no sooner than August 28, 2003 unless disapproved within sixty days of its submission to the First Regular Session of the 92nd General Assembly.

(Seal) IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 5th day of February, 2003
 /s/ Bob Holden
 Governor

ATTEST:

/s/ Matt Blunt
 Secretary of State

Also,

February 5, 2003
 REORGANIZATION PLAN NO. 2
 2003

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 2 of 2003, by Executive Order 03-03, establishing the Children's Division within the Department of Social Services.

Respectfully submitted,
 Bob Holden
 Governor

EXECUTIVE ORDER
03-03

WHEREAS, the Department of Social Services is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 660, RSMo; and

WHEREAS, the Division of Family Services is assigned to the Department of Social Services pursuant to Section 660.010 RSMo; and

WHEREAS, a number of efforts are being made to address problems that have been identified with Missouri's current child welfare system; and

WHEREAS, in September 2002, I appointed Richard C. Dunn and Judge Frank Conley to conduct an investigation into the Greene County child welfare system; and

WHEREAS, in November 2002, Mr. Dunn and Judge Conley completed their *Report of the Investigation of the Child Welfare System in Greene County*; and

WHEREAS, the child welfare system in this state requires immediate attention in order to avoid a greater breakdown in services and other serious problems; and

WHEREAS, I recently established the Office of Child Welfare Ombudsman within the Office of Administration by Executive Order 02-22; and

WHEREAS, streamlining children's services, and all of the functions related to them, will increase the focus on child protection; and

WHEREAS, every child in Missouri is entitled to a safe place to live.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby create and establish the Children's Division within the Department of Social Services and order the Department to:

1. Ensure the Children's Division is focused on protecting children in the state's care and identifying children at risk of abuse or neglect; and
2. Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Family Services relating to child welfare, child protection, child care assistance, and early childhood to the Children's Division, by Type I transfer, as defined under the Reorganization Act of 1974; and
3. Implement recommendations found in the *Report of the Investigation of the Child Welfare System in Greene County*; and
4. Take the steps necessary to maintain compliance with federal requirements, such as filing a state plan amendment, so as not to jeopardize federal financial participation.

This Order shall become effective no sooner than August 28, 2003 unless disapproved within sixty days of its submission to the First Regular Session of the 92nd General Assembly.

(Seal) IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of

Missouri, in the City of Jefferson on
this 5th day of February, 2003.

/s/ Bob Holden

Governor

ATTEST:

/s/ Matt Blunt

Secretary of State

Also,

February 5, 2003

REORGANIZATION PLAN NO. 3

2003

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF
THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 3 of 2003, by Executive Order 03-04, providing for the transfer of workforce and the Parents' Fair Share functions of the Department of Social Services to the Department of Economic Development.

Respectfully submitted,

Bob Holden

Governor

EXECUTIVE ORDER

03-04

WHEREAS, the Department of Social Services is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 660, RSMo; and

WHEREAS, the Division of Family Services is created and established as a division of the Missouri Department of Social Services, pursuant to Section 660.010, RSMo; and

WHEREAS, the Division of Child Support Enforcement is created pursuant to Section 454.400, RSMo, within the Department of Social Services; and

WHEREAS, the Department of Economic Development is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 620, RSMo; and

WHEREAS, pursuant to Executive Order 99-03 and Chapter 620, RSMo, the Division of Workforce Development within the Missouri Department of Economic Development is the state agency designated to receive federal Wagner-Peyser funds, administer the free public employment offices, administer Workforce Investment Act funds, administer federal Welfare to Work grants, and administer other employment assistance programs for the citizens of Missouri; and

WHEREAS, the Missouri Department of Social Services is

the state agency designated to receive Temporary Assistance for Needy Families (TANF) funds and administer programs under Title IV-A of the Social Security Act, as amended; and

WHEREAS, federal law requires adults in families receiving assistance under TANF to engage in work activities to be eligible to continue to receive assistance; and

WHEREAS, federal law requires determination of the skills, prior work experience, and employability of certain TANF recipients; and

WHEREAS, federal law authorizes work activities such as job search and job readiness assistance, on-the-job training, subsidized employment, education and child care services, or other related assistance for certain participants; and

WHEREAS, the Division of Family Services within the Missouri Department of Social Services currently administers the foregoing assessment, employment, training, and placement activities under TANF; and

WHEREAS, the Division of Child Support Enforcement within the Missouri Department of Social Services administers the Parents' Fair Share Program, which provides assessment, employment, training, and placement activities for non-custodial parents; and

WHEREAS, the Division of Workforce Development in the Missouri Department of Economic Development and the Division of Child Support Enforcement and Division of Family Services within the Missouri Department of Social Services have worked closely together in the past in providing the foregoing work-related programs and performing the foregoing work-related functions; and

WHEREAS, the merging of workforce functions will create a "no wrong door access" to employment services, making sure that all clients receive the highest quality training, support services, and work activities, thus increasing the number of employed and employable Missourians; and

WHEREAS, I am committed to integrating executive branch operations to improve the way the state delivers services; and

WHEREAS, the transfer of workforce and the Parents' Fair Share functions of the Department of Social Services to the Department of Economic Development is a component of the Governor's Reorganization Plan of 2003, which is designed to streamline state government and make it as efficient as possible.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby order:

1. The transfer of assessment, employment, training, and placement functions under TANF from the Division of Family Services within the Missouri Department of Social Services to the Division of Workforce Development within the Missouri Department of

- Economic Development;
2. The transfer of all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Family Services within the Department of Social Services related to assessment, employment, training, and placement functions authorized by TANF for custodial parents to the Division of Workforce Development within the Missouri Department of Economic Development, by Type I transfer, as defined under the Reorganization Act of 1974;
 3. The transfer of assessment, employment, training, and placement functions in the Parent's Fair Share Program from the Division of Child Support Enforcement within the Missouri Department of Social Services to the Division of Workforce Development within the Missouri Department of Economic Development;
 4. The transfer of all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Child Support Enforcement within the Department of Social Services related to assessment, employment, training, and placement services performed in the Parents Fair Share Program, authorized by TANF for non-custodial parents, to the Division of Workforce Development within the Missouri Department of Economic Development, by Type I transfer, as defined under the Reorganization Act of 1974;
 5. That the Department of Social Services and its divisions shall provide the Division of Workforce Development with access to supportive services as may be necessary to accomplish the assessment, employment, training, and placement services that are transferred herein;
 6. That the Department of Social Services and the Department of Economic Development develop the mechanisms and processes necessary to effectuate the transfer of the assessment, employment, training, and placement services as specified herein;
 7. The continuation of contractual agreements for the administration of assessment, employment, training, and placement functions under the Missouri Food Stamp Employment and Training Program between the Division of Family Services of the Missouri Department of Social Services (or its successor agency) to the Division of Workforce Development within the Missouri Department of Economic Development;
 8. The good faith negotiation of such contractual agreements by the Department of Social Services and the Department of Economic Development with the goal of providing the best services in an efficient manner; and

9. The relevant agency or agencies to ensure the filing of any necessary state plan amendments and other actions necessary to maintain compliance with federal requirements.

This Order shall become effective no sooner than August 28, 2003 unless disapproved within sixty days of its submission to the First Regular Session of the 92nd General Assembly.

(Seal)

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 5th day of February, 2003.

/s/ Bob Holden
Governor

ATTEST:

/s/ Matt Blunt
Secretary of State

Also,

February 5, 2003

REORGANIZATION PLAN NO. 4
2003

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 4 of 2003, by Executive Order 03-05, providing for the transfer of the functions of the Division of Highway Safety to the Department of Transportation.

Respectfully submitted,
Bob Holden
Governor

**EXECUTIVE ORDER NO.
03-05**

WHEREAS, the Department of Public Safety is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 650, RSMo; and

WHEREAS, the Division of Highway Safety is assigned to the Department of Public Safety pursuant to Section 650.005, RSMo; and

WHEREAS, the Missouri Department of Transportation is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 226, RSMo; and

WHEREAS, the Division of Highway Safety works to promote the safe operation of vehicles on or about the highways, roads, and streets of this state; and

WHEREAS, the Department of Transportation is tasked with supervision of the construction, maintenance, and operation of the

state highway system; and

WHEREAS, the Division of Highway Safety and the Department of Transportation both engage in activities related to the state highway system and its safe operation; and

WHEREAS, the consolidation of these activities would increase efficiencies and eliminate duplication of efforts; and

WHEREAS, I am committed to integrating executive branch operations to improve the way the state delivers services; and

WHEREAS, the transfer of the functions of the Division of Highway Safety to the Department of Transportation is a component of the Governor's Reorganization Plan of 2003, which is designed to streamline state government and make it as efficient as possible.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby order the Missouri Department of Public Safety, the Division of Highway Safety, and the Missouri Department of Transportation to cooperate to:

1. Develop mechanisms and processes necessary to effectively transfer the functions of the Division of Highway Safety to the Department of Transportation;
2. Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Division of Highway Safety to the Department of Transportation, by Type I transfer, as defined under the Reorganization Act of 1974; and
3. Take the steps necessary to maintain compliance with federal requirements, such as filing a state plan amendment, so as not to jeopardize federal financial participation with this consolidation.

This Order shall become effective no sooner than August 28, 2003 unless disapproved within sixty days of its submission to the First Regular Session of the 92nd General Assembly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 5th day of February, 2003

/s/ Bob Holden
Governor

ATTEST:

/s/ Matt Blunt
Secretary of State

Also,

February 5, 2003

REORGANIZATION PLAN NO. 5

2003

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 5 of 2003, by Executive Order 03-06, providing for the transfer of the Minority Business Advocacy Commission to the Office of Administration.

Respectfully submitted,

Bob Holden

Governor

EXECUTIVE ORDER

03-06

WHEREAS, the Missouri Office of Administration is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 37, RSMo; and

WHEREAS, the Missouri Department of Economic Development is created pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 620, RSMo; and

WHEREAS, the State Office of Equal Employment Opportunity is created by Executive Order 94-03 within the Office of Administration to ensure that there are "no vestiges of discrimination against persons on account of race, sex, color, religion, national origin, age, disability, or veteran status in not only employment practices but the provision of services and operation of facilities"; and

WHEREAS, the Minority Business Advocacy Commission is established by Section 33.752, RSMo, to further the interests and assess the needs of minority businesses in Missouri; and

WHEREAS, Section 33.752.6(13), RSMo, states that the Minority Business Advocacy Commission is responsible for receiving complaints and recommendations concerning policies and activities of federal, state, and local governmental agencies that affect minority small businesses, and for developing proposals for changes in policies or activities to alleviate any unnecessary adverse effects to minority small business; and

WHEREAS, Section 33.752.7, RSMo, states that the Department of Economic Development shall furnish administrative support and staff for the effective operation of the Commission; and

WHEREAS, the Office of Administration and Department of Economic Development agree that the Minority Business Advocacy Commission will be enhanced through placement within the Office of Administration; and

WHEREAS, I am committed to integrating executive branch operations to improve the way the state delivers services; and

WHEREAS, the transfer of the Minority Business Advocacy Commission to the Office of Administration is a component of the Governor's Reorganization Plan of 2003, which is designed to streamline state government and make it as efficient as possible.

NOW, THEREFORE, I, BOB HOLDEN, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby order the Department of Economic Development and the Office of Administration to cooperate to:

1. Develop mechanisms and processes necessary to effectively transfer the Minority Business Advocacy Commission from the Department of Economic Development to the Office of Administration.
2. Transfer all authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Minority Business Advocacy Commission to the Office of Administration, by Type II transfer, as defined under the Reorganization Act of 1974.

This Order shall become effective no sooner than August 28, 2003 unless disapproved within sixty days of its submission to the First Regular Session of the 92nd General Assembly.

(Seal)

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 5th day of February, 2003.

/s/ Bob Holden
Governor

ATTEST:

/s/ Matt Blunt
Secretary of State

INTRODUCTION OF BILLS

The following Bills were read the 1st time and 1,000 copies ordered printed:

SB 451—By Loudon.

An Act to repeal sections 483.015 and 483.083, RSMo, and to enact in lieu thereof two new sections relating to appointment of certain circuit clerks.

SB 452—By Loudon.

An Act to repeal sections 354.085 and 354.405, RSMo, and to enact in lieu thereof two new sections relating to health insurance administration.

SB 453—By Shields.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to meningitis vaccinations.

SB 454—By Coleman and Dougherty.

An Act to repeal sections 701.304, 701.309, and 701.320, RSMo, and to enact in lieu thereof three new sections relating to prevention, screening, and treatment of lead poisoning, with penalty provisions.

SB 455—By Dougherty and Shields.

An Act to repeal section 210.937, RSMo, and to enact in lieu thereof one new section relating to background checks, with a termination date.

SB 456—By Kennedy, Dolan, Coleman and Dougherty.

An Act to repeal section 87.182, RSMo, and to enact in lieu thereof one new section relating to firemen's retirement systems, with an emergency clause.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 198**, entitled:

An Act to repeal section 544.170, RSMo, and to enact in lieu thereof one new section relating to confinement of persons without process, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 151, regarding Randall Paul Barnes, Cameron, which was adopted.

Senator Bartle offered Senate Resolution No. 152, regarding Grace Elizabeth Eversole, Baltimore, Ohio, which was adopted.

Senator Bartle offered Senate Resolution No. 153, regarding Daniel Cary Burtman, Blue Springs, which was adopted.

COMMUNICATIONS

Senator Gibbons submitted the following:

February 6, 2003

Ms. Terry Spieler
Secretary of the Senate
Room 325, State Capitol Building
Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted unanimously to approve the 15th Senate District Caucus.

A list of members is attached.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Members of the 15th Senate District Caucus:

Senator Michael R. Gibbons
Representative Jim Avery
Representative Margaret Donnelly
Representative Catherine Hanaway
Representative Kathlyn Fares
Representative Richard Byrd
Representative Jim Lembke
Representative Neal St. Onge
Representative Charles Portwood
Representative Patricia Yaeger
Representative Jodi Stefanick
Representative Michael Vogt

INTRODUCTIONS OF GUESTS

Senator Foster introduced to the Senate, Steve and Ashli Wallace, Jane, Derek, and Andrea

Provance, Jimmy and Patty Phelps, Jill Darnell, and Patsy Reuben, Bootheel Youth Museum, Malden; and Ashli, Jill, Derek, and Andrea were made honorary pages.

Senator Shields introduced to the Senate, Steve Wegner, Platte City; Betty Knight and Michael Stout, Kansas City; and Tom Marne, St. Joseph.

Senator Griesheimer introduced to the Senate, Dr. Ed Hillhouse, Presiding Commissioner, Pacific; Terry Wilson, First District Commissioner, Washington; and Ann Schroeder, Second District Commissioner, Union.

Senator Scott introduced to the Senate, Pettis County Commissioners, Rusty Caris and Rod Linderman, Sedalia.

Senator Childers introduced to the Senate, Elizabeth Steiger, Honduras.

Senator Dougherty introduced to the Senate, the Physician of the Day, John Seidenfeld, M.D., St. Louis.

Senator Dolan introduced to the Senate, Marvin and Dorothy Himmel, Sean O'Brien, and Eddie Huber, Lincoln County.

Senator Cauthorn introduced to the Senate, Kelly Forck and Art Ehrhardt, Cole County; Barb Wilson, Amanda Erisman, and Janis Deimeke, Audrain County; Larry and Janice Keener, Callaway County; and Michael Keeth, Miller County.

Senator Russell introduced to the Senate, Robert C. Heagerty, Lebanon.

Senator Foster introduced to the Senate, Jacquelyn Treece, Melissa Wimberly, and Yolanda Kincy, Caruthersville; and Tanisha Lawrence and Sherry Clark, Hayti.

On motion of Senator Gibbons, the Senate adjourned until 2:00 p.m., Monday, February 10, 2003.

SENATE CALENDAR

EIGHTEENTH DAY—MONDAY, FEBRUARY 10, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 374-Shields, et al	SB 421-Mathewson
SB 390-Jacob	SB 422-Childers
SB 391-Shields, et al	SB 423-Childers
SB 392-Shields	SB 424-Steelman
SB 393-Coleman, et al	SB 425-Scott
SB 394-Bartle	SB 426-Griesheimer
SB 395-Bartle	SB 427-Bartle, et al
SB 396-Kennedy	SB 428-Shields
SB 397-Griesheimer	SB 429-Vogel
SB 398-Griesheimer, et al	SB 430-Champion
SB 399-Caskey	SB 431-Gibbons
SB 400-Bray, et al	SB 432-Cauthorn
SB 401-Dolan, et al	SB 433-Yeckel and Gross
SB 402-Dolan	SB 434-Yeckel
SB 403-Dolan	SB 435-Dolan
SB 404-Nodler	SB 436-Klindt
SB 405-Klindt, et al	SB 437-Yeckel, et al
SB 406-Klindt	SB 438-Clemens, et al
SB 407-Klindt	SB 439-Steelman
SB 408-Klindt	SB 440-Steelman
SB 409-Steelman and Griesheimer	SB 441-Dougherty
SB 410-Shields and Goode	SB 442-Gross and Yeckel
SB 411-Shields	SB 443-Gross
SB 412-Foster, et al	SB 444-Shields and Steelman
SB 413-Steelman, et al	SB 445-Shields
SB 414-Steelman	SB 446-Bartle
SB 415-Yeckel	SB 447-Bartle
SB 416-Yeckel	SB 448-Bartle
SB 417-Yeckel	SB 449-Bartle
SB 418-Cauthorn and Vogel	SB 450-Mathewson, et al
SB 419-Stoll and Gross	SB 451-Loudon
SB 420-Stoll	SB 452-Loudon

SB 453-Shields

SB 454-Coleman and Dougherty

SB 455-Dougherty and Shields

SB 456-Kennedy, et al

SJR 9-Yeckel

SJR 10-Yeckel

SJR 13-Stoll

SJR 16-Jacob and Coleman

HOUSE BILLS ON SECOND READING

HCS for HB 185

HB 198-Stevenson, et al

THIRD READING OF SENATE BILLS

SS for SCS for SB 30-Gross, et al

SB 15-Childers

SENATE BILLS FOR PERFECTION

1. SB 246-Steelman, et al, with SCS

2. SB 33-Loudon and Scott

3. SB 112-Loudon, with SCS

4. SB 13-Kinder

5. SB 11-Kinder and Scott, with SCS

6. SB 265-Shields and Scott, with SCS

7. SB 36-Klindt and Cauthorn, with SCS

8. SBs 299 & 40-Champion,
et al, with SCS

9. SB 55-Nodler, with SCS

10. SB 217-Champion and Clemens

11. SB 51-Shields

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn,
with SCS (pending)

RESOLUTIONS

To be Referred

SCR 5-Cauthorn, et al

Reported from Committee

SR 30-Shields, with SCS