

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SECOND DAY—MONDAY, FEBRUARY 17, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“There can be no divided allegiances here. We have room for but one flag...one loyalty and that is to the American people.”
(Theodore Roosevelt)

Heavenly Father, provide us Your grace to have the courage to fully trust You who made us no matter which path You should lead us in our journey and allow us to focus our efforts on our work being faithful to You first and then to our fellow citizens. And we give thanks for those who plow and salt our streets and highways so we may travel safely on our nation’s highways. 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 for Thursday, February 13, 2003, was read and approved.

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

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

Present—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens

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

Absent with leave—Senator DePasco—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Coleman offered Senate Resolution No. 172, regarding Charles Allen Thompson, St. Louis, which was adopted.

Senators Shields and Klindt offered Senate Resolution No. 173, regarding Bryant J. Kagay, Amity, which was adopted.

Senator Yeckel offered Senate Resolution No. 174, regarding Joseph Sartorius, St. Louis, which was adopted.

Senator Bland offered Senate Resolution No. 175, regarding the Second Missionary Baptist Church, Grandview, which was adopted.

Senator Kennedy offered Senate Resolution No. 176, regarding Margot and Thomas Crowell, Arcadia, which was adopted.

Senator Kennedy offered Senate Resolution

No. 177, regarding Julie Wynn, Webster Groves, which was adopted.

Senator Caskey offered Senate Resolution No. 178, regarding the Howard Avenue School Preservation Association, Warrensburg, which was adopted.

Senator Cauthorn offered Senate Resolution No. 179, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gilbert W. Hudson, Palmyra, which was adopted.

Senator Steelman offered Senate Resolution No. 180, regarding the One Hundred Second Birthday of Goldie Foster, Owensville, which was adopted.

INTRODUCTION OF BILLS

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

SB 501—By Gross.

An Act to repeal section 144.062, RSMo, and to enact in lieu thereof one new section relating to sales tax exemptions.

SB 502—By Vogel.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to sales taxes for financing an exhibition center and recreational facilities, with an emergency clause.

SB 503—By Jacob.

An Act to repeal sections 169.010 and 169.030, RSMo, and to enact in lieu thereof four new sections relating to public school retirement systems.

SB 504—By Clemens and Champion.

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

SB 505—By Clemens.

An Act to repeal section 262.810, RSMo, and to enact in lieu thereof one new section relating to

limiting the taking of farmland by eminent domain.

SB 506—By Clemens.

An Act to repeal section 332.071, RSMo, and to enact in lieu thereof one new section relating to the use of lasers for dentistry.

SB 507—By Bray.

An Act to repeal sections 160.500, 160.510, 160.530, 160.531, 160.538, 160.540, 160.542, 160.550, 160.720, 162.081, 162.1010, and 163.023, RSMo, and to enact in lieu thereof ten new sections relating to the termination of the academically deficient schools program.

SB 508—By Bray.

An Act to repeal sections 100.010, 100.050, 100.105, 100.180, and 137.073, RSMo, and to enact in lieu thereof six new sections relating to industrial development.

SB 509—By Bray.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to labeling of bottled water.

SB 510—By Kinder.

An Act to repeal section 208.480, RSMo, and to enact in lieu thereof one new section relating to the expiration date of the hospital federal reimbursement allowance program.

SB 511—By Kinder, Goode, Loudon and Steelman.

An Act to amend chapter 21, RSMo, by adding thereto one new section relating to the joint committee on the life sciences.

SJR 19—By Clemens.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 39 and 59(a) of article III of the Constitution of Missouri relating to limitation of power of the general assembly, and adopting two new sections in lieu thereof relating to the same subject.

SJR 20—By Bray.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 29, 30(a), 30(b), 30(c), and 31 of article IV of the Constitution of Missouri, and adopting five new sections in lieu thereof relating to the powers and duties of the state highway and transportation commission.

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 **SB 122**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 292**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 108**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 29**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute,

hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 50**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Transportation, to which was referred **SB 1**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 4**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 117**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 216**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 289**, begs

leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 314**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 7**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 239**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 301**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 357**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 370**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 379**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 383**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 303**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Education, to which was referred **SB 56**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

THIRD READING OF SENATE BILLS

SB 143, introduced by Senator Goode, entitled:

An Act to repeal section 21.250, RSMo, relating to powers of the general assembly, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Goode, **SB 143** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland	Russell—2
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Absent with leave—Senators

Coleman	DePasco—2
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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 Wheeler moved that motion lay on the table, which motion prevailed.

SB 14, introduced by Senator DePasco, 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.

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

On motion of Senator Wheeler, **SB 14** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland	Goode	Kinder—3
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Absent with leave—Senators

Coleman	DePasco—2
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The President declared the bill passed.

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

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

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

SB 68, introduced by Senator Childers, entitled:

An Act to repeal section 321.552, RSMo, relating to sales tax for ambulance and fire protection districts, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Childers, **SB 68** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman	DePasco—2
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The President declared the bill passed.

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

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

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

SB 101, introduced by Senator Caskey, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to violations of county ordinances.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 101** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman	DePasco—2
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The President declared the bill passed.

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

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

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

SB 121, introduced by Senator Caskey, entitled:

An Act to repeal section 64.905, RSMo, relating to county planning and zoning, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Caskey, **SB 121** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Coleman	DePasco—2
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The President declared the bill passed.

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

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

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

HOUSE BILLS ON SECOND READING

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

HB 401—Pensions and General Laws.

SENATE BILLS FOR PERFECTION

Senator Steelman moved that **SB 246**, with **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Gibbons offered **SSA 1** for **SA 1**:

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

Amend Senate Committee Substitute for Senate Bill No. 246, Pages 1 and 2, Section 386.050, Lines 14-19, by striking all of said lines and inserting in lieu thereof the following:

“2. On or after January 1, 2003, no member of the commission or technical advisory staff shall establish or maintain a committee that is regulated by the campaign finance disclosure law in chapter 130, RSMo, except those members who were members and had established such a campaign committee prior to January 1, 2003. No member of the commission who established and maintained such a campaign committee prior to January 1, 2003, shall allow contributions or deposits to be made into such campaign committee nor expenditures to be made by or on behalf of such campaign committee during the time period that such person is a member of the commission. Nothing in this subsection shall be construed to limit or prohibit the activities of members of the commission, or the activities of such regulated campaign committees, which activities occurred prior to January 1, 2003. Any member able to maintain a committee pursuant to the

provisions of this section, due to campaign committee's existence prior to January 1, 2003, shall be required to disclose the existence of the committee prior to the initial hearing on all matters before the commission and to all litigants in writing in any matter coming before the commission.”

Senator Gibbons moved that the above substitute amendment be adopted.

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

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

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Committee Substitute for Senate Bill No. 246, Page 1, Section 386.050, Line 4, by striking the words “January 1, 2003,” and insert in lieu thereof the following: **“the effective date of this act”**; and further amend lines 10-11, by striking the words “January 1, 2003,” and insert in lieu thereof the following: **“the effective date of this act”**.

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

SSA 1 for **SA 1**, as amended, was again taken up.

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

Senator Bartle assumed the Chair.

Senator Gross offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 246, Page 6, Section 386.210, Line 73, by inserting after all of said line the following:

“392.200. 1. Every telecommunications company shall furnish and provide with respect to its business such instrumentalities and facilities as shall be adequate and in all respects just and reasonable. All charges made and demanded by any

telecommunications company for any service rendered or to be rendered in connection therewith shall be just and reasonable and not more than allowed by law or by order or decision of the commission. Every unjust or unreasonable charge made or demanded for any such service or in connection therewith or in excess of that allowed by law or by order or decision of the commission is prohibited and declared to be unlawful.

2. No telecommunications company shall directly or indirectly or by any special rate, rebate, drawback or other device or method charge, demand, collect or receive from any person or corporation a greater or less compensation for any service rendered or to be rendered with respect to telecommunications or in connection therewith, except as authorized in this chapter, than it charges, demands, collects or receives from any other person or corporation for doing a like and contemporaneous service with respect to telecommunications under the same or substantially the same circumstances and conditions. Promotional programs for telecommunications services may be offered by telecommunications companies for periods of time so long as the offer is otherwise consistent with the provisions of this chapter and approved by the commission. Neither this subsection nor subsection 3 of this section shall be construed to prohibit an economy rate telephone service offering. This section and section 392.220 to the contrary notwithstanding, the commission is authorized to approve tariffs filed by local exchange telecommunications companies which elect to provide reduced charges for residential telecommunications connection services pursuant to the lifeline connection assistance plan as promulgated by the federal communications commission. Eligible subscribers for such connection services shall be those as defined by participating local exchange telecommunications company tariffs.

3. No telecommunications company shall make or give any undue or unreasonable preference

or advantage to any person, corporation or locality, or subject any particular person, corporation or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever except that telecommunications messages may be classified into such classes as are just and reasonable, and different rates may be charged for the different classes of messages.

4. (1) No telecommunications company may define a telecommunications service as a different telecommunications service based on the geographic area or other market segmentation within which such telecommunications service is offered or provided, unless the telecommunications company makes application and files a tariff or tariffs which propose relief from this subsection. Any such tariff shall be subject to the provisions of sections 392.220 and 392.230 and in any hearing thereon the burden shall be on the telecommunications company to show, by clear and convincing evidence, that the definition of such service based on the geographic area or other market within which such service is offered is reasonably necessary to promote the public interest and the purposes and policies of this chapter.

(2) It is the intent of this act to bring the benefits of competition to all customers and to ensure that incumbent and alternative local exchange telecommunications companies have the opportunity to price and market telecommunications services to all prospective customers in any geographic area in which they compete. To promote the goals of the federal Telecommunications Act of 1996, for an incumbent local exchange telecommunications company in any exchange where an alternative local exchange telecommunications company has been certified and is providing basic local telecommunications services or switched exchange access services, or for an alternative local exchange telecommunications company, the commission shall review and approve or reject, within forty-five days of filing, tariffs for proposed different services as follows:

(a) For services proposed on an exchange-wide basis, it shall be presumed that a tariff which defines and establishes prices for a local exchange telecommunications service or exchange access service as a different telecommunications service in the geographic area, no smaller than an exchange, within which such local exchange telecommunications service or exchange access service is offered is reasonably necessary to promote the public interest and the purposes and policies of this chapter;

(b) For services proposed in a geographic area smaller than an exchange or other market segmentation within which or to whom such telecommunications service is proposed to be offered, a local exchange telecommunications company may petition the commission to define and establish a local exchange telecommunications service or exchange access service as a different local exchange telecommunications service or exchange access service. The commission shall approve such a proposal if it finds, based upon clear and convincing evidence, that such service in a smaller geographic area or such other market segmentation is in the public interest and is reasonably necessary to promote competition and the purposes of this chapter. Upon approval of such a smaller geographic area or such other market segmentation for a different service for one local exchange telecommunications company, all other local exchange telecommunications companies certified to provide service in that exchange may file a tariff to use such smaller geographic area or such other market segmentation to provide that service;

(c) For proposed different services described in paragraphs (a) and (b) of this subdivision, the local exchange telecommunications company which files a tariff to provide such service shall provide the service to all similarly situated customers, upon request in accordance with that company's approved tariff, in the exchange or geographic area smaller than an exchange or such other market segmentation for which the tariff was

filed, and no price proposed for such service by an incumbent local exchange telecommunications company, other than for a competitive service, shall be lower than its long run incremental cost, as defined in section 386.020, RSMo;

(3) The commission, on its own motion or upon motion of the public counsel, may by order, after notice and hearing, define a telecommunications service offered or provided by a telecommunications company as a different telecommunications service dependent upon the geographic area or other market within which such telecommunications service is offered or provided and apply different service classifications to such service only upon a finding, based on clear and convincing evidence, that such different treatment is reasonably necessary to promote the public interest and the purposes and policies of this chapter.

5. No telecommunications company may charge a different price per minute or other unit of measure for the same, substitutable, or equivalent interexchange telecommunications service provided over the same or equivalent distance between two points without filing a tariff for the offer or provision of such service pursuant to sections 392.220 and 392.230. In any proceeding under sections 392.220 and 392.230 wherein a telecommunications company seeks to charge a different price per minute or other unit of measure for the same, substitutable, or equivalent interexchange service, the burden shall be on the subject telecommunications company to show that such charges are in the public interest and consistent with the provisions and purposes of this chapter. The commission may modify or prohibit such charges if the subject telecommunications company fails to show that such charges are in the public interest and consistent with the provisions and purposes of this chapter. This subsection shall not apply to reasonable price discounts based on the volume of service provided, so long as such discounts are nondiscriminatory and offered under the same rates, terms, and conditions throughout a

telecommunications company's certificated or service area.

6. Every telecommunications company operating in this state shall receive, transmit and deliver, without discrimination or delay, the conversations and messages of every other telecommunications company with whose facilities a connection may have been made.

7. The commission shall have power to provide the limits within which telecommunications messages shall be delivered without extra charge.

8. Customer specific pricing is authorized for dedicated, nonswitched, private line and special access services and for central office-based switching systems which substitute for customer premise, private branch exchange (PBX) services, provided such customer specific pricing shall be equally available to incumbent and alternative local exchange telecommunications companies.

9. This act shall not be construed to prohibit the commission, upon determining that it is in the public interest, from altering local exchange boundaries, provided that the incumbent local exchange telecommunications company or companies serving each exchange for which the boundaries are altered provide notice to the commission that the companies approve the alteration of exchange boundaries.

10. Notwithstanding any other provision of this section, every telecommunications company is authorized to offer term agreements of up to five years on any of its telecommunications services.

11. Notwithstanding any other provisions of this section, every telecommunications company is authorized to offer discounted rates or other special promotions on any of its telecommunications services to any new or former customers.”; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted.

Senator Jacob raised the point of order that **SA 2** is out of order in that the amendment goes beyond the scope of the original bill.

The point of order was referred to the President Pro Tem.

Senator Childers assumed the Chair.

President Pro Tem Kinder ruled the point of order on **SA 2** not well taken.

Senator Bartle assumed the Chair.

SA 2 was again taken up.

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

Senator Jacob offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 246, Page 6, Section 386.210, Line 73, by inserting after all of said line the following:

“393.015. 1. Notwithstanding any other provision of law to the contrary, any sewer corporation, municipality or sewer district established under the provisions of chapter 249 or 250, RSMo, or sections 204.250 to 204.470, RSMo, or any sewer district created and organized pursuant to constitutional authority, may contract with any water corporation, municipality, or public water supply district established under chapter 247, RSMo, to terminate water services to any customer premises for nonpayment of a sewer bill. No such termination of water service may occur until [thirty] **ninety** days after the sewer corporation, municipality or statutory sewer district or sewer district created and organized pursuant to constitutional authority sends a written notice to the customer by certified mail, except that if the water corporation, municipality or public water supply district is performing a combined water and sewer billing service for the sewer corporation, municipality or sewer district, no additional notice

or any additional waiting period shall be required other than the notice and waiting period already used by the water corporation, municipality or public water supply district to disconnect water service for nonpayment of the water bill. Acting pursuant to a contract, the water corporation, municipality or public water supply district shall discontinue water service until such time as the sewer charges and all related costs of termination and reestablishment of sewer and water services are paid by the customer.

2. Notwithstanding any provision of subsection 1 of this section to the contrary, water service to a residence located within any county of the first classification with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants, any county of the third classification without a township form of government and with more than twenty-four thousand six hundred but less than twenty-four thousand seven hundred inhabitants, or any county of the third classification without a township form of government and with more than ten thousand two hundred but less than ten thousand three hundred inhabitants shall not be disconnected, terminated, or discontinued for nonpayment of the water bill unless the noncurrent outstanding amount of the bill exceeds one hundred dollars. The provisions of this subsection shall not apply to any home rule city with more than eighty-four thousand five hundred but less than eighty-four thousand six hundred inhabitants.

3. Notwithstanding any provision of subsection 1 of this section to the contrary, water service to a residence located within any county of the first classification with more than one hundred thirty-five thousand four hundred but less than one hundred thirty-five thousand five hundred inhabitants, any county of the third classification without a township form of government and with more than twenty-four thousand six hundred but less than twenty-four

thousand seven hundred inhabitants, or any county of the third classification without a township form of government and with more than ten thousand two hundred but less than ten thousand three hundred inhabitants shall not be disconnected, terminated, or discontinued for nonpayment of the water bill without the service provider first providing the residential customer with advance written notice of the proposed action. The notice shall be sent to the residential customer by certified mail and it shall be clearly written and shall include at least the following information: the proposed action, the proposed date of the proposed action, the cost of reconnection in the event of disconnection or termination of service, the reason for the proposed action, the exact amount of the arrearage, the address to which the customer should send payment, all actions which the residential customer must take to prevent the proposed action from occurring, and the telephone number or numbers the residential customer may call regarding the proposed action. The provisions of this subsection shall not apply to any home rule city with more than eighty-four thousand five hundred but less than eighty-four thousand six hundred inhabitants.

[3.] **4.** A water corporation, municipality, or public water supply district acting pursuant to a contract with a sewer corporation, municipality or sewer district as provided in subsection 1 of this section shall not be liable for damages related to termination of water services unless such damage is caused by the negligence of such water corporation, municipality, or public water supply district, in which case the water corporation, municipality, or public water supply district shall be indemnified by the sewer corporation, municipality or sewer district. Unless otherwise specified in the contract, all costs related to the termination and reestablishment of services by the water corporation, municipality or public water supply district shall be reimbursed by the sewer

corporation, municipality, sewer district or sewer district created and organized pursuant to constitutional authority.”; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

Senator Jacob offered SA 1 to SA 3, which was read:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Senate Committee Substitute for Senate Bill No. 246, Page 2, Section 393.015, Lines 18-19, by striking the words “one hundred” and inserting in lieu thereof the following: “fifty”.

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

SA 3, as amended, was again taken up.

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

Senator Bland offered SA 4, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 246, Page 6, Section 386.210, Line 73, by inserting after all of said line the following:

“386.374. Notwithstanding any other provision of this chapter to the contrary, the commission may consider ability to pay as a factor in setting utility rates and may establish programs for low-income residential utility customers to ensure affordable, reliable, and continuous service to such customers. In ordering such programs, the commission may require public utilities to provide information on the coordination of the program with other available low-income bill payment and energy conservation resources and the effects of the program on:

- (1) The percentage of income that participating households devote to energy bills;
- (2) The number of service disconnections;
- (3) Utility collection costs; and
- (4) Customer payment behavior, arrearages and bad debt.”; and

Further amend the title and enacting clause accordingly.

Senator Bland moved that the above amendment be adopted.

Senator Caskey requested a roll call vote be taken on the adoption of SA 4 and was joined in his request by Senators Dougherty, Jacob, Stoll and Wheeler.

SA 4 failed of adoption by the following vote:

YEAS—Senators

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

NAYS—Senators

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

Absent—Senators—None

Absent with leave—Senator DePasco—1

Senator Griesheimer offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 246, Page 6, Section 386.210, Line 73, by inserting after all of said line the following:

“Section 1. The public service commission shall reopen case IT 2002-1165 regarding local plus calling plans in which an order was issued July 9, 2002.”; and

Further amend the title and enacting clause accordingly.

Senator Griesheimer moved that the above amendment be adopted.

Senator Steelman raised the point of order that **SA 5** is out of order as it goes beyond the scope and purpose of the title of the bill.

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

Senator Dougherty offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 246, Page 6, Section 386.210, Line 73, by inserting after all of said line the following:

“386.374. Notwithstanding any other provision of this chapter to the contrary, the commission may establish a pilot program to consider ability to pay as a factor in setting utility rates and may establish programs for low-income residential utility customers to ensure affordable, reliable, and continuous service to such customers. In ordering such programs, the commission may require public utilities to provide information on the coordination of the program with other available low-income bill payment and energy conservation resources and the effects of the program on:

- (1) The percentage of income that participating households devote to energy bills;**
- (2) The number of service disconnections;**
- (3) Utility collection costs; and**
- (4) Customer payment behavior, arrearages and bad debt.”; and**

Further amend the title and enacting clause accordingly.

Senator Dougherty moved that the above amendment be adopted and requested a roll call

vote be taken. He was joined in his request by Senators Days, Caskey, Kennedy and Russell.

SA 6 was adopted by the following vote:

YEAS—Senators

Bland	Bray	Caskey	Coleman
Days	Dolan	Dougherty	Foster
Goode	Gross	Jacob	Kennedy
Mathewson	Quick	Russell	Stelman
Stoll	Wheeler—18		

NAYS—Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Gibbons	Griesheimer	Kinder
Klindt	Loudon	Nodler	Scott
Shields	Vogel	Yeckel—15	

Absent—Senators—None

Absent with leave—Senator DePasco—1

Senator Steelman moved that **SCS** for **SB 246**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **SB 246**, as amended, was declared perfected and ordered printed.

Senator Nodler moved that **SB 55**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 55**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 55

An Act to repeal sections 174.020 and 174.241, RSMo, and to enact in lieu thereof two new sections relating to Missouri Southern State College.

Was taken up.

Senator Nodler moved that **SCS** for **SB 55** be adopted.

At the request of Senator Nodler, **SB 55**, with **SCS** (pending), was placed on the Informal Calendar.

INTRODUCTION OF BILLS

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

SB 512—By Russell.

An Act to repeal sections 8.370, 8.400, and 8.420, RSMo, and to enact in lieu thereof three new sections relating to issuance of revenue bonds by the state board of public buildings, with an emergency clause.

SB 513—By Kennedy and Coleman.

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

SB 514—By Kennedy and Griesheimer.

An Act to amend chapter 337, RSMo, by adding thereto eleven new sections relating to the regulation and licensing of professional addiction counselors, with penalty provisions.

SB 515—By Bland.

An Act to repeal sections 335.016, 335.017, 335.056, 335.076, and 335.086, RSMo, and to enact in lieu thereof seven new sections relating to licensing of nurses.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolution were read the 2nd time and referred to the Committees indicated:

SB 400—Transportation.

SB 475—Ways and Means.

SB 482—Economic Development, Tourism and Local Government.

SB 483—Pensions and General Laws.

SB 484—Transportation.

SB 485—Pensions and General Laws.

SB 486—Small Business, Insurance and Industrial Relations.

SB 487—Judiciary and Civil and Criminal Jurisprudence.

SB 488—Judiciary and Civil and Criminal Jurisprudence.

SB 489—Judiciary and Civil and Criminal Jurisprudence.

SB 490—Transportation.

SB 491—Transportation.

SB 492—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 494—Agriculture, Conservation, Parks and Natural Resources.

SB 495—Transportation.

SB 496—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 498—Judiciary and Civil and Criminal Jurisprudence.

SB 499—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 500—Ways and Means.

SJR 18—Education.

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 14, 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:

Marion H. Cairns, Republican, 1115 Webster Oaks Lane, Webster Groves, St. Louis County, Missouri 63119, 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, John Mathes, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 14, 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:

Jacquelyn B. Garrett, Democrat, 1101 Courtwood Circle, Ballwin, St. Louis County, Missouri 63011, as a member of the State Board of Registration for the Healing Arts, for a term ending August 13, 2004, and until her successor is duly appointed and qualified; vice, Ronald Phillips, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 14, 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:

Joy S. Gronstedt, 30580 Summers Drive, Sedalia, Pettis County, Missouri 65301, as a member of the Drug Utilization Review Board, for a term ending October 15, 2004, and until her 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 14, 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:

Janet G. Leachman, Democrat, 27 Pine View Road, Platte City, Platte County, Missouri 64079, as a member of the Missouri Western State College Board of Regents, for a term ending October 29, 2008, and until her successor is duly appointed and qualified; vice, Krikor Partamian, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 14, 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:

Beth Ann Mayberry, Republican, 18416 Ada Court, Trimble, Clay County, Missouri 64492, as a member of the Missouri Community Service Commission, for a term ending December 15, 2005, and until her successor is duly appointed and qualified; vice, Jocelyn Osborne, term expired.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 14, 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:

Patricia A. Nichols, #1 Wilshire Terrace, Webster Groves, St. Louis County, Missouri 63119, as a member of the Well Installation Review Board, for a term ending February 24, 2006, and until her 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 14, 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:

Cynthia A. Rushefsky, 1316 East Grand Street, Springfield, Greene County, Missouri 65804, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2005, and until her 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 14, 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:

Jeffrey W. Siria, 103 Old Oaks Drive, Ballwin, St. Louis County, Missouri 63011, as a member of the Advisory Committee on Lead Poisoning, for a term ending April 15, 2003, and until his successor is duly appointed and qualified; vice, Joe Ann Alexander, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Cauthorn offered Senate Resolution

No. 181, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Russell T. Martin, Mexico, which was adopted.

Senator Cauthorn offered Senate Resolution No. 182, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. William W. Page, Palmyra, which was adopted.

COMMUNICATIONS

The following was submitted:

February 17, 2003

Ms. Terry Spieler

Secretary of the Senate

State Capitol

Jefferson City, MO 65101

Dear Ms. Spieler:

In my absence, I respectfully request either Senator Wheeler or Senator Quick handle Senate Bill 14 on the Senate Floor. This bill revises the maximum allowable salary for certain Kansas City police officers.

Thank you for your attention to this matter.

Sincerely,

/s/ Ronnie DePasco

Ronnie DePasco

STATE SENATOR

District 11

INTRODUCTIONS OF GUESTS

Senator Gibbons introduced to the Senate, Patrice, Jordan, Joshua, and Hannah Mugg, Lucas Ravenscraft, Mary Compton, James Folick, and Courtney Krus, representing Young Republicans from St. Louis.

Senator Cauthorn introduced to the Senate, his son, Andrew, and Cody Walker, Mexico.

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

SENATE CALENDAR

TWENTY-THIRD DAY—TUESDAY, FEBRUARY 18, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 374-Shields, et al	SB 505-Clemens
SB 398-Griesheimer, et al	SB 506-Clemens
SB 413-Steelman, et al	SB 507-Bray
SB 440-Steelman	SB 508-Bray
SB 441-Dougherty	SB 509-Bray
SB 444-Shields and Steelman	SB 510-Kinder
SB 463-Gross	SB 511-Kinder, et al
SB 473-Stoll	SB 512-Russell
SB 493-Kennedy	SB 513-Kennedy and Coleman
SB 497-Yeckel, et al	SB 514-Kennedy and Griesheimer
SB 501-Gross	SB 515-Bland
SB 502-Vogel	SJR 19-Clemens
SB 503-Jacob	SJR 20-Bray
SB 504-Clemens and Champion	

HOUSE BILLS ON SECOND READING

HCS for HB 185	HCS for HBs 122 & 80
HB 198-Stevenson, et al	HB 74-St. Onge

THIRD READING OF SENATE BILLS

SCS for SBs 299 & 40-
Champion, et al

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 11-Kinder and Scott,
with SCS

SB 13-Kinder

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

SB 33-Loudon and Scott,
with SS (pending)

SB 36-Klindt and Cauthorn,
with SCS

SB 51-Shields

SB 55-Nodler, with SCS (pending)

SB 112-Loudon, with SCS

SB 217-Champion and
Clemens

SB 265-Shields and Scott,
with SCS

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

Unofficial

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 130-Gross, with SCS

SB 173-Quick

SB 228-Griesheimer

SB 232-Cauthorn

SB 235-Quick

SB 275-Russell

SB 282-Shields

SBs 194 & 189-Scott, with SCS

SB 215-Foster, with SCS

SB 255-Kinder, with SCA 1

SB 266-Shields and Kennedy

SB 63-Caskey

Journal

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Reported 2/17

SB 122-Caskey, with SCS

SB 292-Yeckel

SB 108-Gross

SB 29-Gross, with SCS

SB 50-Coleman

SB 1-Russell, with SCS

SB 4-Caskey and Russell,
with SCS

SB 117-Shields, with SCS

SB 216-Foster

SB 289-Dolan, et al

SB 314-Dolan

SB 7-Mathewson, with SCS
SB 239-Mathewson and Scott,
with SCS
SB 301-Bray
SB 357-Shields

SB 370-Foster
SB 379-Champion, with SCS
SB 383-Dolan
SB 303-Gibbons, with SCS
SB 56-Nodler, with SCS

RESOLUTIONS

Reported from Committee

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

Unofficial

Journal

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