

# Journal of the Senate

FIRST REGULAR SESSION

---

THIRTY-FOURTH DAY—MONDAY, MARCH 10, 2003

---

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Rejoice in the Lord always: again I will say, Rejoice.”  
(Philippians 4:4)

Gracious God, help us develop and keep a zest for our work and living for such You have created us to have. Help us to breathe deeply and joyfully the clean, refreshing love and mercy that come from You. And help us this week to go joyfully into the work that You have given us to do. 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.

Senator Gibbons moved that the Senate Journal for Thursday, March 6, 2003, be corrected on Page 403, Column 2, Line 19, by deleting the numeral “299” and inserting in lieu thereof the numeral “290”, which motion prevailed.

The Journal for Thursday, March 6, 2003, was read and approved, as corrected.

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 Gross offered Senate Resolution No. 326, regarding Keith Sutherland, Warrenton, which was adopted.

Senator Gross offered Senate Resolution No. 327, regarding John Carlton, which was adopted.

Senator Gross offered Senate Resolution No. 328, regarding Patti York, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 329, regarding Bruce Vieweg, which was adopted.

Senator Gross offered Senate Resolution No. 330, regarding the St. Charles County Children and Family Services Authority, which was adopted.

Senator Gross offered Senate Resolution No. 331, regarding LuAnn Reese, St. Francois County, which was adopted.

Senator Gross offered Senate Resolution No. 332, regarding Frank Martinez, St. Charles County, which was adopted.

Senator Gross offered Senate Resolution No. 333, regarding David Fitzgerald, St. Charles County, which was adopted.

Senator Gross offered Senate Resolution No. 334, regarding Bonnie Crandall, St. Charles County, which was adopted.

Senator Gross offered Senate Resolution No. 335, regarding Ameren UE, which was adopted.

Senator Caskey offered Senate Resolution No. 336, regarding Tyler Vincent Conrad, Archie, which was adopted.

Senator Caskey offered Senate Resolution No. 337, regarding Nevada High School Air Force Junior ROTC Drill Team, Nevada, which was adopted.

Senator Yeckel offered Senate Resolution No. 338, regarding Joshua Stephen “Josh” Mudd, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 339, regarding Steven Blair Biehle, St. Louis County, which was adopted.

Senator Yeckel offered Senate Resolution No. 340, regarding Julia Allen, Sunset Hills, which was adopted.

Senator Caskey offered Senate Resolution No. 341, regarding Ben Jackson, Knob Noster, which was adopted.

Senator Bland offered Senate Resolution No. 342, regarding the Eightieth Birthday of Buddie Swinton, Kansas City, which was adopted.

Senator Loudon offered Senate Resolution No. 343, regarding Nancy Norfleet, Maryland Heights, which was adopted.

Senator Loudon offered Senate Resolution No. 344, regarding Jared Lender, Chesterfield, which was adopted.

Senator Dougherty offered Senate Resolution No. 345, regarding Ryan Christopher Garrison and Daniel Warren Garrison, Edwardsville, Illinois, which was adopted.

Senator Quick offered Senate Resolution No. 346, regarding Scott Underwood, North Kansas City, which was adopted.

Senator Quick offered Senate Resolution No. 347, regarding the Frank S. Land Chapter of the Order of DeMolay, which was adopted.

Senator Bray offered Senate Resolution No. 348, regarding the Litzsinger School of the Special School District, St. Louis, which was adopted.

### THIRD READING OF SENATE BILLS

**SB 281**, with **SCS**, introduced by Senator Shields, entitled:

An Act to repeal section 49.370, RSMo, and to enact in lieu thereof one new section relating to the location of county property.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 281**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 281

An Act to repeal section 49.370, RSMo, and to enact in lieu thereof one new section relating to county property.

Was taken up.

Senator Shields moved that **SCS** for **SB 281** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 281** was read the 3rd time and passed by the following vote:

#### YEAS—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon

Mathewson Nodler Quick Russell  
 Shields Steelman Stoll Vogel  
 Wheeler Yeckel—30

NAYS—Senators—None

Absent—Senators

Bland Dolan—2

Absent with leave—Senators

DePasco Scott—2

The President declared the bill passed.

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

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

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

**SB 391**, with **SCS**, introduced by Senator Shields, et al, entitled:

An Act to amend chapter 192, RSMo, by adding thereto three new sections relating to pain management.

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

**SCS** for **SB 391**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
 SENATE BILL NO. 391

An Act to amend chapter 192, RSMo, by adding thereto three new sections relating to pain management.

Was taken up.

Senator Shields moved that **SCS** for **SB 391** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 391** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Dolan—1

Absent with leave—Senators

DePasco Scott—2

The President declared the bill passed.

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

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

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

**SB 308**, with **SCS**, introduced by Senator Steelman, entitled:

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to the Missouri calcium initiative, with an emergency clause and an expiration date.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 308**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
 SENATE BILL NO. 308

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to the Missouri calcium initiative, with an emergency clause.

Was taken up.

Senator Steelman moved that **SCS** for **SB 308**

be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS** for **SB 308** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Yeckel—1

Absent with leave—Senators

DePasco Scott—2

The President declared the bill passed.

The emergency clause was adopted 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	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators

DePasco Scott—2

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

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

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

**SB 303**, with **SCS**, introduced by Senator Gibbons, entitled:

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to critical care ground ambulance service.

Was called from the Consent Calendar and taken up.

**SCS** for **SB 303**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 303

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to critical care ground ambulance service.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 303** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 303** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Griesheimer—1

Absent—Senators—None

Absent with leave—Senators

DePasco Scott—2

The President declared the bill passed.

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

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

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

**SB 317**, introduced by Senators Stoll and Bray, entitled:

An Act to repeal section 103.175, RSMo, and to enact in lieu thereof one new section relating to the imposition of a deadline for a study by the board of trustees of Missouri consolidated health care plan.

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

On motion of Senator Stoll, **SB 317** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Quick Shields—2

Absent with leave—Senators

DePasco Scott—2

The President declared the bill passed.

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

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

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

## REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 295**, 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 521**, 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 522**, 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 529**, 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 540**, 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 546**, 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 547**, 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 Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 392**, 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 Foster, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 519**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendment No. 1, and be placed on the Consent Calendar.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 519, Page 1, Section 162.431, Line 6, by inserting immediately after the word “next” the following: “**general**”.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 204**, 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 Education, to which was referred **SB 31**, 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 Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 431**, 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 Aging, Families, Mental and Public Health, to which was referred **SB 506**, 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 Aging, Families, Mental and Public Health, to which was referred **SB 455**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 425**, 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 Aging, Families, Mental and Public Health, to which was referred **SB 73**, 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 Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 358**, 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 Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 93**, 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 Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 447**, 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 Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 407**, 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 Small Business, Insurance and Industrial Relations, to

which was referred **SB 373**, 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 Small Business, Insurance and Industrial Relations, to which was referred **SB 283**, 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 Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SB 34**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

#### SENATE BILLS FOR PERFECTION

Senator Kinder moved that **SB 11**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 11**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 11

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a temporary exemption from state and local sales and use tax on retail sales of clothing, school supplies and personal computers before the start of the school year, with an emergency clause and a termination date.

Was taken up.

Senator Kinder moved that **SCS** for **SB 11** be adopted.

Senator Bartle assumed the Chair.

Senator Jacob offered **SA 1**:

**SENATE AMENDMENT NO. 1**

Amend Senate Committee Substitute for Senate Bill No. 11, Page 1, In the Title, Lines 2-5, by striking the following: “a temporary exemption from state and local sales and use tax on retail sales of clothing, school supplies and personal computers before the start of the school year” and inserting in lieu thereof the following: “taxation”; and

Further amend said bill and page, Section A, Line 2, by inserting after all of said line the following:

“143.181. 1. The Missouri nonresident adjusted gross income shall be that part of the nonresident individual's federal adjusted gross income derived from sources within Missouri, as modified in the same manner as set forth in section 143.121 with respect to resident individuals. It shall be the sum of:

(1) The net amount of items of income, gain, loss, and deduction entering into his **or her** federal adjusted gross income which are derived from or connected with sources in this state including

(a) [His] **The individual's** distributive share of partnership income and deductions determined under section 143.421, and

(b) [His] **The individual's** share of estate or trust income and deductions determined under section 143.391, and

(c) [His] **The individual's** pro rata share of S corporation income and deductions determined under subsection 3 of section 143.471; and

(2) The portion of the modifications described in section 143.121 which relate to income derived from sources in this state, including any modifications attributable to him **or her** as a partner.

2. Items of income, gain, loss, and deduction derived from or connected with sources within this

state are those items attributable to:

(1) The ownership or disposition of any interest in real or tangible personal property in this state; [and]

(2) A business, trade, profession, or occupation carried on in this state;

**(3) Winnings from a wager placed in a lottery conducted by the state lottery commission, if the proceeds from such wager are required, pursuant to the Internal Revenue Code of 1986, as amended, or regulations adopted thereunder, to be reported by the state lottery commission to the Internal Revenue Service; and**

**(4) Winnings from any other wager placed in this state or from any wagering transaction, gaming activity, or gambling activity in this state, if the proceeds from such wager, wagering transaction, gaming activity, or gambling activity are required, pursuant to the Internal Revenue Code of 1986, as amended, or regulations adopted thereunder, to be reported by the payer to the Internal Revenue Service.**

3. Income from intangible personal property, including annuities, dividends, interest, and gains from the disposition of intangible personal property, shall constitute income derived from sources within this state only to the extent that such income is from:

(1) Property employed in a business, trade, profession, or occupation carried on in this state;

**(2) Winnings from a wager placed in a lottery conducted by the state lottery commission, if the proceeds from such wager are required, pursuant to the Internal Revenue Code of 1986, as amended, or regulations adopted thereunder, to be reported by the state lottery commission to the Internal Revenue Service; and**

**(3) Winnings from any other wager placed in this state or from any wagering transaction,**



**gaming activity, or gambling activity in this state, if the proceeds from such wager, wagering transaction, gaming activity, or gambling activity are required, pursuant to the Internal Revenue Code of 1986, as amended, or regulations adopted thereunder, to be reported by the payer to the Internal Revenue Service.**

4. Deductions with respect to capital losses, net long-term capital gains, and net operation losses shall be based solely on income, gains, losses, and deductions derived from sources within this state in the same manner as the corresponding federal deductions under regulations to be prescribed by the director of revenue.

5. If a business, trade, profession, or occupation is carried on partly within and partly without this state, the items of income and deduction derived from or connected with sources within this state shall be determined by apportionment and allocation under regulations to be prescribed by the director of revenue.

6. Compensation paid by the United States for service in the armed forces of the United States performed by a nonresident shall not constitute income derived from sources within this state.”; and

Further amend the title and enacting clause accordingly.

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

Photographers from the Missouri Cable Telecommunications Association were given permission to take pictures in the Senate Chamber today.

Senator Jacob offered SA 2, which was read:

**SENATE AMENDMENT NO. 2**

Amend Senate Committee Substitute for Senate Bill No. 11, Page 3, Section 144.049, Line 67, by inserting after all of said line the following:

**“Section 1. 1. Unless expressly otherwise**

**provided by law, an amendment to the Internal Revenue Code of 1986, as amended, that affects the determination of federal adjusted gross income or federal taxable income shall not affect the determination of Missouri taxable income pursuant to chapter 143, RSMo.**

**2. Within sixty days after an amendment of the Internal Revenue Code of 1986 is enacted, the director of revenue shall prepare and submit to the governor, the speaker of the house of representatives, and the president pro tempore of the senate a report which outlines:**

**(1) The changes of the Internal Revenue Code of 1986;**

**(2) The impact of those changes on state revenue; and**

**(3) The impact of those changes on the various classes and types of taxpayers.”; and**

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above amendment be adopted.

At the request of Senator Jacob, SA 2 was withdrawn.

Senator Cauthorn offered SA 3:

**SENATE AMENDMENT NO. 3**

Amend Senate Committee Substitute for Senate Bill No. 11, Page 2, Section 144.049, Line 25, by inserting after the numeral “2.” the following: **“Except as provided in subsection 4 of this section,”**; and further amend line 46, by inserting after the word “subdivision” the following: **“other than a county”**; and

Further amend said bill, Page 3, Section 144.049, Line 55, by inserting after all of said line the following:

**“4. The governing body of any county may adopt an ordinance adopting the exemption provided in subsection 2 of this section. Failure to enact such ordinance shall cause any such**

county’s sales tax to be excluded from the sales tax exemption provided in subsection 2 of this section.”; and further amend by renumbering the remaining subsections accordingly.

Senator Cauthorn moved that the above amendment be adopted.

Senator Kinder requested a roll call vote be taken on the adoption of SA 3 and was joined in his request by Senators Childers, Russell, Stoll and Wheeler.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Cauthorn	Days	Dolan	Goode
Griesheimer	Mathewson	Scott—7	

NAYS—Senators

Bartle	Bland	Bray	Caskey
Champion	Childers	Clemens	Coleman
Dougherty	Foster	Gibbons	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Nodler	Quick	Russell
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—26		

Absent—Senators—None

Absent with leave—Senator DePasco—1

Senator Jacob offered SA 4:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 11, Page 1, Section A, Line 2, by adding after all of said line the following:

“143.091. 1. Any term used in sections 143.011 to 143.996 shall have the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required by the provisions of sections 143.011 to 143.996. Any reference in sections 143.011 to 143.996 to the laws of the United States shall mean the provisions of the Internal Revenue Code of 1986, and amendments thereto enacted on or before January 1, 2003, and

other provisions of the laws of the United States relating to federal income taxes, as the same may be or become effective[, at any time or from time to time,] on or before January 1, 2003 for the taxable year.

2. Within sixty days after an amendment of the Internal Revenue Code of 1986 is enacted, the director of revenue shall prepare and submit to the governor, the speaker of the house of representatives, and the president pro tempore of the senate a report which outlines:

(1) The changes of the Internal Revenue Code of 1986;

(2) The impact of those changes on state revenue; and

(3) The impact of those changes on the various classes and types of taxpayers.

3. The director of revenue shall make any necessary adjustments to any state tax return form and instructions thereto to reflect any effect of a change to the Internal Revenue Code of 1986, and amendments thereto, enacted on or before January 1, 2003, or to other provisions of the laws of the United States relating to federal income taxes as the same may be or become effective on or before January 1, 2003 for the taxable year.”; 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 4, which was read:

SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 4

Amend Senate Amendment No. 4 to Senate Committee Substitute for Senate Bill No. 11, Page 2, Section 143.091, Line 10, after all of said line, by adding the following:

“4. The provisions of subsections 1 to 3 of this section shall expire December 31, 2008.

**5. Beginning January 1, 2009, any term used in sections 143.011 to 143.996 shall have the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes, unless a different meaning is clearly required by the provisions of sections 143.011 to 143.996. Beginning January 1, 2009, any reference in sections 143.011 to 143.996 to the laws of the United States shall mean the provisions of the Internal Revenue Code of 1986, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as the same may be or become effective, at any time or from time to time, for the taxable year.”.**

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

**SA 4**, as amended, was again taken up.

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 Days, Kinder, Mathewson and Russell.

**SA 4**, as amended, failed of adoption by the following vote:

YEAS—Senators

Bland	Bray	Caskey	Childers
Coleman	Days	Dougherty	Gibbons
Goode	Jacob	Kennedy	Mathewson
Quick	Stoll	Wheeler—15	

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Dolan	Foster	Griesheimer	Gross
Kinder	Klindt	Loudon	Nodler
Russell	Scott	Shields	Steelman
Vogel	Yeckel—18		

Absent—Senators—None

Absent with leave—Senator DePasco—1

Senator Kinder moved that **SCS for SB 11**, as

amended, be adopted, which motion prevailed.

On motion of Senator Kinder, **SCS for SB 11**, as amended, was declared perfected and ordered printed.

**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  
 March 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:

Karen L. Berding, 1136 Timberline, Moberly, Randolph County, Missouri 65270, as a member of the Child Abuse and Neglect Review Board, for a term ending April 27, 2004, and until her successor is duly appointed and qualified; vice, Rodney Wead, resigned.

Respectfully submitted,  
**BOB HOLDEN**  
 Governor

Also,

OFFICE OF THE GOVERNOR  
 State of Missouri  
 Jefferson City, Missouri  
 March 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:

Linda K. Conner, Highway 63 North, P.O. Box 177, Greentop, Schuyler County, Missouri 63546, as a member of the Missouri State Board of Nursing, for a term ending June 1, 2006, and until her successor is duly appointed and qualified; vice, Janet Anderson, term expired.

Respectfully submitted,  
**BOB HOLDEN**  
 Governor

Also,

## OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 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:

George J. Gladis, 3651 Coffee Tree Court, St. Louis City, Missouri 63129, as a member of the State Mental Health Commission, for a term ending June 28, 2005, and until his successor is duly appointed and qualified; vice, Betty Hearnes, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

## OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 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:

Donna L. Gunning, 3653 Rosant Court, Florissant, St. Louis County, Missouri 63034, as a member of the Missouri Head Injury Advisory Council, for a term ending May 12, 2004, and until her successor is duly appointed and qualified; vice, Mary Richter, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

## OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 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:

Gail L. Robertson, Democrat, 2409 West Donna Drive, Poplar Bluff, Butler County, Missouri 63901, as a member of the Southeast

Missouri State University Board of Regents, for a term ending January 1, 2009, and until her successor is duly appointed and qualified; vice, Kimberly Mothershead, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

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

President Pro Tem Kinder assumed the Chair.

**SIGNING OF BILLS**

The President Pro Tem announced that all other business would be suspended and **HCS** for **HB 14**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Bartle assumed the Chair.

**MESSAGES FROM THE HOUSE**

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 281**, entitled:

An Act to repeal sections 161.092 and 168.021, RSMo, and to enact in lieu thereof two new sections relating to certificates of license to teach.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **HS** for **HCS** for **HBs 349, 120, 136** and **328**, entitled:

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof three new sections relating to concealable weapons, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 75**, entitled:

An Act to repeal section 301.456, RSMo, and to enact in lieu thereof one new section relating to special license plates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 131**, entitled:

An Act to repeal sections 70.605, 70.635, 70.661, 70.685 and 70.795, RSMo, and to enact in lieu thereof four new sections relating to local government employees' retirement system.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 152** and **180**, entitled:

An Act to repeal sections 86.370, 86.393, 86.398, 86.407, 86.447, 86.600, 86.671, 86.720,

and 86.745, RSMo, and to enact in lieu thereof thirteen new sections relating to police relief and pension systems.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

## SECOND READING OF SENATE BILLS

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

**SB 497**—Ways and Means.

**SB 600**—Financial and Governmental Organization, Veterans' Affairs and Elections.

**SB 602**—Ways and Means.

**SB 635**—Economic Development, Tourism and Local Government.

**SB 640**—Financial and Governmental Organization, Veterans' Affairs and Elections.

**SB 645**—Pensions and General Laws.

**SB 648**—Economic Development, Tourism and Local Government.

**SB 656**—Agriculture, Conservation, Parks and Natural Resources.

**SB 657**—Agriculture, Conservation, Parks and Natural Resources.

**SB 659**—Financial and Governmental Organization, Veterans' Affairs and Elections.

**SB 662**—Judiciary and Civil and Criminal Jurisprudence.

**SB 687**—Ways and Means.

**SB 688**—Ways and Means.

**SB 689**—Ways and Means.

**SB 690**—Ways and Means.

**SB 691**—Ways and Means.

**SB 696**—Aging, Families, Mental and Public Health.

**SB 698**—Commerce and the Environment.

**SJR 19**—Commerce and the Environment.

**SJR 23**—Financial and Governmental Organization, Veterans' Affairs and Elections.

### RESOLUTIONS

Senator Caskey offered Senate Resolution No. 349, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald Dean Black, Amoret, which was adopted.

Senator Gibbons offered Senate Resolution No. 350, regarding Charlie Spencer, Kirkwood, which was adopted.

### COMMUNICATIONS

President Pro Tem Kinder submitted the following:

March 5, 2003

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

**RE: Appointment to the Missouri Rural Economic Development Council**

Dear Terry:

Pursuant to Section 620.155, RSMo 2002, I am appointing

Senator Dan Clemens to the Missouri Rural Economic Development Council.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

### INTRODUCTIONS OF GUESTS

Senator Cauthorn introduced to the Senate, Debbie Boughton, Jim McCormick, Connie Johnson, Scott Meredith, Lois Rice, and twenty-four members of Pack 401, Kirksville.

Senator Yeckel introduced to the Senate, Don and Barbara Voss, and their grandson, Zachary; Sandra Poole, and her daughter, Alexis; and Irvin and Marilyn Etzold, St. Louis; and Zachary and Alexis were made honorary pages.

Senator Champion introduced to the Senate, Randy Wright, Springfield.

Senator Bray introduced to the Senate, forty-five fourth grade students from Bruce Elementary School, Maplewood.

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

### SENATE CALENDAR

THIRTY-FIFTH DAY—TUESDAY, MARCH 11, 2003

### FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 573-Dougherty

SB 599-Childers and Gibbons

SB 633-Shields and Kinder

SB 636-Mathewson

SB 643-Yeckel

SB 652-Steelman

SB 658-Cauthorn

SB 661-Wheeler

SB 663-Dolan and Gross  
SB 664-Childers  
SB 665-Bland  
SB 670-Dougherty  
SB 671-DePasco  
SB 675-Gross, et al  
SB 677-Vogel and Russell

SB 678-Vogel and Russell  
SB 679-Loudon  
SB 680-Loudon  
SB 683-Clemens, et al  
SB 684-Dougherty  
SB 695-Goode and Russell  
SJR 21-Cauthorn

### HOUSE BILLS ON SECOND READING

HCS for HB 288  
HCS for HB 390  
HB 91-Mayer  
HCS for HB 273  
HCS for HB 281

HS for HCS for HBs 349, 120,  
136 & 328-Crawford  
HB 75-Ruestman, et al  
HCS for HB 131  
HCS for HBs 152 & 180

### THIRD READING OF SENATE BILLS

SS for SB 34-Loudon

### SENATE BILLS FOR PERFECTION

1. SB 24-Steelman, with SCS
2. SB 300-Cauthorn, et al, with SCS
3. SB 253-Steelman, et al, with SCS
4. SB 207-Mathewson
5. SB 264-Shields, with SCS
6. SB 280-Scott, et al, with SCS
7. SB 298-Griesheimer, with SCS
8. SB 427-Bartle, et al, with SCS
9. SBs 125 & 290-Goode,  
with SCS
10. SB 422-Childers, with SCS
11. SB 2-Russell, with SCS
12. SB 544-Gross, et al, with SCS
13. SB 450-Mathewson, et al,  
with SCS
14. SB 305-Jacob and Steelman
15. SB 410-Shields and Goode,  
with SCS
16. SB 5-Caskey, with SCS

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn,  
with SCS & SS for SCS  
(pending)  
SB 33-Loudon and Scott,  
with SS (pending)  
SB 51-Shields  
SB 69-Yeckel and Nodler,  
with SCS (pending)  
SB 112-Loudon, with SCS

SB 217-Champion and  
Clemens, with SS (pending)  
SB 347-Loudon, et al, with SCS  
SB 436-Klindt, with SCS, SS  
for SCS & SA 2 (pending)  
SB 481-Dolan, et al, with  
SCS, SS for SCS & SS  
for SS for SCS (pending)

# Unofficial

CONSENT CALENDAR

## Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell

# Journal

Reported 2/24

SB 385-Scott, with SCS  
SB 54-Griesheimer  
SB 423-Childers

SB 356-Stoll  
SB 355-Stoll

# Copy

Reported 3/3

SB 456-Kennedy, et al  
SB 478-Gross, with SCS  
SB 426-Griesheimer  
SB 321-Days  
SB 327-Gross and Mathewson  
SB 496-Yeckel  
SB 388-Klindt, et al

SB 237-Russell, et al, with SCS  
SB 421-Mathewson, with SCS  
SB 202-Childers, with SCS  
SB 175-Loudon  
SB 52-Shields, with SCS#2  
SB 1-Russell, with SCS#2



Reported 3/4

SB 457-Caskey  
SB 467-Bartle  
SB 61-Caskey, with SCS  
SB 537-Jacob  
SB 448-Bartle  
SB 394-Bartle

SB 395-Bartle  
SB 471-Bartle  
SB 470-Bartle  
SB 469-Bartle  
SB 468-Bartle

Reported 3/10

SB 295-Shields, with SCS  
SB 521-Gross  
SB 522-Gross  
SB 529-Childers  
SB 540-Gross  
SB 546-Caskey, with SCS  
SB 547-Caskey, with SCS  
SB 392-Shields  
SB 519-Foster, with SCA 1  
SB 204-Yeckel, et al  
SB 31-Foster, with SCS

SB 431-Gibbons  
SB 506-Clemens  
SB 455-Dougherty and Shields  
SB 425-Scott  
SB 73-Bland, with SCS  
SB 358-Shields, with SCS  
SB 93-Shields  
SB 447-Bartle, with SCS  
SB 407-Klindt  
SB 373-Bartle, with SCS  
SB 283-Klindt

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 15, with SCS  
(Russell)

RESOLUTIONS

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