

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SEVENTH DAY—THURSDAY, MARCH 13, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Take heed therefore how you hear.” (Luke 8:18)

Gracious Lord, we know how easy it is to not be fully attentive or to hear what is truly being said. Help us today and especially this weekend, to be willing to actively listen to those closest to us and be prepared to let their words touch us so as to improve our relationship with them. And may we be even more prepared to hear Your Word and let it accomplish in us what You will. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Photographers from the Associated Press and KRCG-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
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32
Absent with leave—Senators			
DePasco	Quick—2		

The Lieutenant Governor was present.

RESOLUTIONS

Senator Steelman offered Senate Resolution No. 396, regarding Elaine P. Niemeyer, New Hartford, which was adopted.

Senator Days offered Senate Resolution No. 397, regarding Rachel Parrent and Vantage Credit Union, Bridgeton, which was adopted.

Senator Childers offered Senate Resolution No. 398, regarding the Missouri National Guard 203rd Engineer Battalion, which was adopted.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and

recommends that the Senate do give its advice and consent to the following:

Steve Roling, as Director of the Department of Social Services;

Also,

Don Walsworth and Cheryl Walker, as members of the University of Missouri Board of Curators.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments, which motion prevailed.

President Pro Tem Kinder assumed the Chair.

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 243**, begs leave to report that it has considered the same and recommends that the bill do pass.

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 were referred **SB 361**, **SB 103**, **SB 156** and **SB 329**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to

which was referred **SCS** for **SB 11**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HB 412**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 28**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 362**, begs leave to report that it has considered the same and recommends that the bill do pass.

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 184**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 159**, 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 Aging, Families, Mental and Public Health, to which was referred **SB 571**, 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 618**, 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 534**, 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 351**, 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 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 16**, 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 120**, 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 504**, 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 513**, 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 562**, 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 577**, 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 578**, 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 590**, 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 592**, 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 621**, 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 635**, 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 694**, begs leave to report that it has considered the same and recommends that bill do pass and be placed on the Consent Calendar.

Senator Shields assumed the Chair.

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

Mr. President: Your Committee on Education, to

which was referred **SB 180**, 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 were referred **SB 632** and **SB 644**, 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 Education, to which was referred **SB 642**, 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 Education, to which was referred **SB 676**, 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 Education, to which was referred **SB 666**, 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 Education, to which was referred **SB 686**, 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.

President Maxwell assumed the Chair.

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 334**, 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 Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 651**, 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 Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 668**, 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 Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 606**, 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 Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 611**, 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 Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 623**, 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 Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 293**, 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 Ways and Means, to which was referred **SB 583**, 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 438**, 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 490**, 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 594**, 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 598**, 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 697**, 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 Scott, Chairman of the Committee on Pensions and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 552**, 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 Pensions and General Laws, to which was referred **SB 463**, 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 Pensions and General Laws, to which was referred **SB 511**, 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 reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 455**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 31**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 283**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

THIRD READING OF SENATE BILLS

SCS for **SB 11**, entitled:

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

An Act to repeal section 143.181, RSMo, and to enact in lieu thereof two new sections relating to taxation, with an emergency clause and a termination date.

Was taken up by Senator Kinder.

On motion of Senator Kinder, **SCS** for **SB 11** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—25			

NAYS—Senators

Bray	Coleman	Days	Dougherty
Goode	Mathewson—6		

Absent—Senator Bland—1

Absent with leave—Senators

DePasco	Quick—2
---------	---------

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Dolan	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—25			

NAYS—Senators

Bray	Coleman	Days	Dougherty
Goode	Mathewson—6		

Absent—Senator Bland—1

Absent with leave—Senators

DePasco	Quick—2
---------	---------

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

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

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

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 280**, with **SCS**, **SS for SCS**, **SS for SS for SCS** and **SA 2** (pending) be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Part 3 of **SA 2** was again taken up.

Senator Jacob moved that **Part 3** of **SA 2** be adopted.

A quorum was established by the following vote:

Present—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dougherty	Foster

Gibbons	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Nodler
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—27	

Absent—Senators

Dolan	Goode	Jacob	Mathewson
Russell—5			

Absent with leave—Senators

DePasco	Quick—2
---------	---------

Senator Shields assumed the Chair.

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

SS for SS for SCS for SB 280 was again taken up.

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

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 34, Section 537.767, Lines 1-10 of said page, by striking said section from the bill; and further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken and was joined in his request by Senators Bartle, Caskey, Days and Gibbons.

SA 3 was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators

Bland	Childers—2
-------	------------

Absent—Senators—None

Absent with leave—Senators

DePasco Quick—2

At the request of Senator Scott, **SB 280**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

On motion of Senator Gibbons, the Senate recessed until 12:45 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Shields.

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 289**, entitled:

An Act to amend chapter 99, RSMo, by adding thereto twenty-two new sections relating to Missouri downtown economic stimulus act.

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 554**, entitled:

An Act to repeal section 171.033, RSMo, and to enact in lieu thereof one new section relating to inclement weather exceptions for mandatory days of school attendance, with an emergency clause.

Emergency clause adopted.

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 **HB 156**, entitled:

An Act to repeal section 188.039, RSMo, and to enact in lieu thereof two new sections relating to a twenty-four hour waiting period for certain medical procedures, with an effective date for a certain section.

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 **HB 257**, entitled:

An Act to repeal sections 147.120, 148.330, 348.430, and 348.432, RSMo, and to enact in lieu thereof four new sections relating to tax credits.

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 410**, entitled:

An Act to repeal sections 191.831, 302.540, 577.049, and 577.520, RSMo, and to enact in lieu thereof four new sections relating to substance abuse traffic offender program.

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 144**, entitled:

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.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Scott moved that **SB 280**, with **SCS**, **SS** for **SCS** and **SS** for **SS** for **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SS** for **SCS** for **SB 280** was again taken up.

Senator Bartle offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 40, Section 538.224, Lines 12-27 of said page, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken and was joined in his request by Senators Clemens, Days, Kinder and Scott.

SA 4 was adopted by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Caskey
Coleman	Days	Dougherty	Gibbons

Goode	Griesheimer	Jacob	Kennedy
Kinder	Klindt	Mathewson	Scott
Steelman	Stoll	Vogel	Wheeler—20

NAYS—Senators

Cauthorn	Champion	Childers	Clemens
Foster	Loudon	Nodler	Russell
Shields	Yeckel—10		

Absent—Senators

Dolan	Gross—2
-------	---------

Absent with leave—Senators

DePasco	Quick—2
---------	---------

Senator Bartle offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 27, Section 537.067, Line 4 of said page, by striking the word “fifty” and inserting in lieu thereof the following: “**ten**”.

Senator Bartle moved that the above amendment be adopted.

Senator Scott offered **SSA 1** for **SA 5**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 27, Section 537.067, Line 4, by deleting the word “fifty” and inserting in lieu thereof the word “twenty”.

Senator Scott moved that the above substitute amendment be adopted.

At the request of Senator Scott, **SSA 1** for **SA 5** was withdrawn.

At the request of Senator Bartle, **SA 5** was withdrawn.

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

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Pages 38-40, Section 538.213, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above amendment be adopted.

Senator Jacob requested a roll call vote be taken and was joined in his request by Senators Coleman, Kennedy, Days and Stoll.

Under the provisions of **SR 90**, Senator Shields requested unanimous consent to be excused from voting on the adoption of **SA 6**, which request was granted.

SA 6 was adopted by the following vote:

YEAS—Senators			
Bartle	Bland	Bray	Caskey
Champion	Childers	Clemens	Coleman
Days	Dougherty	Gibbons	Goode
Jacob	Kennedy	Kinder	Klindt
Mathewson	Nodler	Scott	Steelman
Stoll	Vogel	Wheeler	Yeckel—24

NAYS—Senators			
Cauthorn	Dolan	Foster	Griesheimer
Gross	Loudon	Russell—7	

Absent—Senators—None

Absent with leave—Senators	
DePasco	Quick—2

Excused from voting—Senator Shields—1

Senator Steelman offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 28, Section 537.071, Lines 17-25 of

said page, by striking said section from the bill; and further amend the title and enacting clause accordingly.

Senator Steelman moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Bartle, Bray, Days and Griesheimer.

SA 7 was adopted by the following vote:

YEAS—Senators			
Bartle	Bray	Caskey	Coleman
Days	Dougherty	Gibbons	Goode
Jacob	Kennedy	Kinder	Klindt
Mathewson	Steelman	Stoll	Wheeler—16

NAYS—Senators			
Cauthorn	Champion	Childers	Clemens
Foster	Griesheimer	Gross	Loudon
Nodler	Scott	Shields	Yeckel—12

Absent—Senators			
Bland	Dolan	Russell	Vogel—4

Absent with leave—Senators	
DePasco	Quick—2

Senator Bartle offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Pages 42-43, Section 538.234, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Bartle offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 24, Section 510.263, Line 29 of said page, by striking all of said line; and

Further amend said bill and section, Page 25, Lines 1 to 10 of said page, by striking all of said lines.

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

Senator Steelman offered SA 10, which was read:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 43, Section 1, Line 28 of said page, by inserting after all of said line the following:

“Section 2. The provisions of this act shall only apply to causes of action filed after August 28, 2003.”; and

Further amend the title and enacting clause accordingly.

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

Senator Kinder offered SA 11:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 1, Section A, Line 9 of said page, by inserting after all of said line the following:

“34.360. This act may be known and may be cited as the “Private Attorney Retention Act”.

34.363. For the purposes of sections 34.360 to 34.371, a contract is a contract or contracts in which the fee paid to an attorney or group of attorneys, either in the form of a flat, hourly, or contingent fee, and their expenses, exceeds or can be reasonably expected to exceed one hundred thousand dollars in any fiscal year.

34.366. Any state agency that wishes to retain a lawyer or law firm to perform legal services on behalf of the agency shall obtain such services through open and competitive bids.

34.369. No state agency shall enter into a contract or contracts for legal services or encumber on behalf of any such contract or contracts in an amount exceeding one hundred thousand dollars in any fiscal year without a specific appropriation for that purpose.

34.371. 1. At the conclusion of any legal proceeding for which a state agency retained outside counsel on a contingent fee basis, the state agency shall receive from counsel a statement of the hours worked on the case, expenses incurred, the aggregate fee amount, and a breakdown as to the hourly rate, based on hours worked divided into fee recovered, less expenses. Each state agency shall transmit the information to the office of administration on October first for the preceding fiscal year and the office of administration shall submit a report to the general assembly before January first, annually.

2. In no case shall any state agency pay expenses in excess of one thousand dollars per hour for legal services.”; and

Further amend the title and enacting clause accordingly.

Senator Kinder moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Clemens, Cauthorn, Scott and Foster.

Senator Jacob raised the point of order that SA 11 is out of order, as it exceeds the scope of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 11 was again taken up.

Senator Jacob offered SSA 1 for SA 11:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 1, Section A, Line 9, by inserting

after all of said line the following:

“34.360. This act may be known and may be cited as the “Private Attorney Retention Act”.

34.363. For the purposes of sections 34.360 to 34.371, a contract is a contract or contracts in which the fee paid to an attorney or group of attorneys, either in the form of a flat, hourly, or contingent fee, and their expenses, exceeds or can be reasonably expected to exceed one hundred thousand dollars in any fiscal year.

34.366. Any state agency that wishes to retain a lawyer or law firm to perform legal services on behalf of the agency shall obtain such services through open and competitive bids. Any bank account of the state with a value of ten thousand dollars or more shall be obtained through open and competitive bids.

34.369. No state agency shall enter into a contract or contracts for legal services or encumber on behalf of any such contract or contracts in an amount exceeding one hundred thousand dollars in any fiscal year without a specific appropriation for that purpose.

34.371. 1. At the conclusion of any legal proceeding for which a state agency retained outside counsel on a contingent fee basis, the state agency shall receive from counsel a statement of the hours worked on the case, expenses incurred, the aggregate fee amount, and a breakdown as to the hourly rate, based on hours worked divided into fee recovered, less expenses. Each state agency shall transmit the information to the office of administration on October first for the preceding fiscal year and the office of administration shall submit a report to the general assembly before January first, annually.

2. In no case shall any state agency pay expenses in excess of one thousand dollars per hour for legal services.”; and

Further amend the title and enacting clause accordingly.

Senator Jacob moved that the above substitute amendment be adopted.

Senator Kinder requested a roll call vote be taken and was joined in his request by Senators Champion, Griesheimer, Klindt and Jacob.

Senator Childers assumed the Chair.

SSA 1 for SA 11 was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland	Dolan	Goode	Loudon
Wheeler—5			

Absent with leave—Senators

DePasco	Quick—2
---------	---------

Senator Bartle offered **SA 12**, which was read:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 27, Section 537.067, Line 4 of said page, by striking the word “fifty” and inserting in lieu thereof the following: “**ten**”.

Senator Bartle moved that the above amendment be adopted.

At the request of Senator Bartle, **SA 12** was withdrawn.

Senator Steelman offered **SA 13**:

SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 41, Section 538.225, Lines 10-13, by deleting all of said lines and inserting in lieu

thereof the following:

“2. The health care provider who offers such opinion shall have education, training and experience in a like area of expertise as the defendant health care provider. The affidavit shall state the qualifications of such health care providers to offer such opinion.”

Senator Steelman moved that the above amendment be adopted.

Senator Shields assumed the Chair.

Senator Bartle offered **SSA 1** for **SA 13**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 41, Section 538.225, Lines 10-13, by deleting all of said lines and inserting in lieu thereof the following:

“2. The health care provider who offers such opinion shall have education, training and experience in a substantially similar area of expertise as the defendant health care provider. The affidavit shall state the qualifications of such health care providers to offer such opinion along with their name and address.”

Senator Bartle moved that the above substitute amendment be adopted.

At the request of Senator Bartle, **SSA 1** for **SA 13** was withdrawn.

SA 13 was again taken up.

Senator Bartle offered **SSA 2** for **SA 13**:

SENATE SUBSTITUTE AMENDMENT NO. 2
FOR SENATE AMENDMENT NO. 13

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 41, Section 538.225, Line 9, by inserting at the end of said line the following: “The written opinion shall be subject to in camera

review at the request of any defendant for a determination of whether the health care provider offering such an opinion meets the qualifications set forth in subsection 6 of this section.”; and further amend said section and page, lines 10-11 by deleting the words “**the name and address of all health care providers offering such opinion and**”; and further amend said section and page, line 26, by deleting “**, including certifications,**”.

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

Senator Scott offered **SA 14**, which was read:

SENATE AMENDMENT NO. 14

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 26, Section 512.099, Line 15 of said page, by striking “twenty-five” and inserting in lieu thereof the following: “**fifty**”; and further amend said section and page, line 18, by striking “twenty-five” and inserting in lieu thereof the following: “**fifty**”; and further amend said section and page, line 22, by striking “twenty-five” and inserting in lieu thereof the following: “**fifty**”; and further amend said section and page, line 24, by striking “twenty-five” and inserting in lieu thereof the following: “**fifty**”.

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

Senator Childers offered **SA 15**:

SENATE AMENDMENT NO. 15

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 9, Section 258.100, Line 24, by inserting the words “or utilized” after the word “acquired” on said line and further amend said section and page, line 25, by inserting the words “or utilized” after the word “acquired” on said line.

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

Senator Scott offered **SA 16**, which was read:

SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 27, Section 537.067, Line 4, by deleting the word “fifty” and inserting in lieu thereof the word “twenty”.

Senator Scott moved that the above amendment be adopted.

A quorum was established by the following vote:

Present—Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Coleman	Days
Dougherty	Gibbons	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Stelman	Stoll	Vogel	Yeckel—24

Absent—Senators

Bland	Bray	Dolan	Foster
Goode	Jacob	Mathewson	Wheeler—8

Absent with leave—Senators

DePasco	Quick—2
---------	---------

Senator Gibbons offered **SSA 1 for SA 16**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 16

Amend Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 27, Section 537.067, Line 4, by deleting the word “fifty” and inserting in lieu thereof the word “ten”.

Senator Gibbons moved that the above substitute amendment be adopted.

Senator Jacob offered **SA 1 to SSA 1 for SA 16**:

SENATE AMENDMENT NO. 1 TO SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 16

Amend Senate Substitute Amendment No. 1

for Senate Amendment No. 16 for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill No. 280, Page 1, Section 537.067, Line 2, by deleting “ten” and inserting in lieu thereof the following: “**forty-nine**”.

Senator Jacob moved that the above amendment be adopted.

Senator Cauthorn raised the point of order that **SA 1 to SSA 1 for SA 16** is out order as it is in the third degree.

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

SSA 1 for SA 16 was again taken up.

A quorum was established by the following vote:

Present—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Gibbons	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Stelman
Stoll	Vogel	Yeckel—27	

Absent—Senators

Bland	Dolan	Foster	Goode
Wheeler—5			

Absent with leave—Senators

DePasco	Quick—2
---------	---------

At the request of Senate Scott, **SB 280**, with **SCS, SS for SCS, SS for SS for SCS, SA 16** and **SSA 1 for SA 16** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 399, regarding Bernard Warren Goodin, Henley, which was adopted.

Senator Vogel offered Senate Resolution No.

400, regarding the One Hundredth Birthday of Lois Mae (McDonald) Crismon, Eldon, which was adopted.

Senator Jacob offered Senate Resolution No. 401, regarding Cedar Ridge Elementary School, Columbia, which was adopted.

Senator Caskey offered Senate Resolution No. 402, regarding Wayne Reid, Peculiar, which was adopted.

Senator Kennedy offered Senate Resolution No. 403, regarding Marie Lucille (Myers) Edgar, Potosi, which was adopted.

Senator Shields offered Senate Resolution No. 404, regarding Caroline Marie Hinrichs, Gladstone, which was adopted.

COMMUNICATIONS

Senator Gibbons submitted the following:

March 13, 2003

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

Dear Mrs. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee approved the 92nd General Assembly's Sportsmen's Caucus at the January 28, 2003 meeting.

Please add the following member(s) to the caucus:

- Senator Bill Foster

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

President Pro Tem Kinder submitted the following:

March 13, 2003

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

RE: Appointment to the Joint Committee on Transportation Oversight

Dear Terry:

Pursuant to Section 21.795, RSMo 2002, I am appointing Senator Jon Dolan to the Joint Committee on Transportation

Oversight.

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

Also,

March 13, 2003

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

RE: Appointment to the Joint Committee on Gaming and Wagering

Dear Terry:

Pursuant to Section 313.001, RSMo 2002, I am appointing the following Senators to the Joint Committee on Gaming and Wagering:

Senator Carl Vogel
Senator John Griesheimer

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, his wife, Teresa, and their son, Andrew; and Jane Houf, Angie Walker, Julie Scholting, Vickie Mika, Sissy Hauen, Gina Thomas, Dan Pehle, A. Adams, Becky Peterson, Ruth Ann Frey, Charlotte Iman, and thirty-eight students from McMillan Elementary School, Mexico.

Senator Wheeler introduced to the Senate, John Sparks, and thirteen members of St. Elizabeth's Pack 150 Cub Scouts, Kansas City.

Senator Kennedy introduced to the Senate, students from St. Cecilia's Grade School, St. Louis.

Senator Kennedy introduced to the Senate, Joan Chiavello, Clarendon Hills, Illinois.

Senator Kinder introduced to the Senate,

former Lieutenant Governor Bill Phelps, Kansas City; and Franklin Norman, Vernon County.

Senator Russell introduced to the Senate, Mrs. Geraldine Rader, Mrs. Blunk, and forty-five seventh grade students from Winona Middle School, Winona.

Senator Russell introduced to the Senate, Jim Shapiro, Camdenon.

Senator Cauthorn introduced to the Senate, Tatum Thurman, Betsy Ross, Julie Ross, Brenda Miller, Pam Sampson, Aaron Baker, and twenty-one students from Atlanta C-3 School, Atlanta.

Senator Russell introduced to the Senate, Samantha Borgman, Ethan Niehaus, Derek

Daniels, Shelly Renegar, Jennifer Matthews, Kayla Smith, Shirley Chambers, Katrina Patterson, and students from Mountain View Birch Tree Elementary School, Mountain View; and Samantha, Ethan, Derek, Shelly, and Jennifer were made honorary pages.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Barbara Keller, M.D., Columbia.

Senator Kinder introduced to the Senate, fifty fourth grade students from Nell Holcomb School, Cape Girardeau.

On motion of Senator Gibbons, the Senate adjourned until 9:00 a.m., Friday, March 14, 2003.

Unofficial

SENATE CALENDAR

THIRTY-EIGHTH DAY—FRIDAY, MARCH 14, 2003

Journal

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 599-Childers and Gibbons
 SB 636-Mathewson
 SB 670-Dougherty
 SB 675-Gross, et al

SB 677-Vogel and Russell
 SB 678-Vogel and Russell
 SJR 21-Cauthorn

Copy

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
 HCS for HB 166
 HCS for HB 181
 HB 187-Cooper (120) and
 Davis (122)
 HB 208-Engler, et al
 HB 286-Bearden

HCS for HB 245
HCS for HBs 59 & 269
HCS for HB 202
HB 247-Ward, et al
HCS for HB 253
HB 278-Davis (19) and
Parker
HCS for HB 277

HB 292-Wagner
HB 314-Engler
HCS for HB 289
HCS for HB 554
HS for HCS for HB 156-
Phillips
HS for HCS for HB 257-
Munzlinger
HCS for HB 410
HCS for HB 144

SENATE BILLS FOR PERFECTION

1. SB 298-Griesheimer,
with SCS
2. SB 427-Bartle, et al, with SCS
3. SBs 125 & 290-Goode,
with SCS
4. SB 422-Childers, with SCS
5. SB 2-Russell, with SCS
6. SB 544-Gross, et al, with
SCS
7. SB 450-Mathewson, et al,
with SCS
8. SB 305-Jacob and Steelman
9. SB 410-Shields and Goode,
with SCS
10. SB 5-Caskey, with SCS
11. SBs 556 & 311-Kinder,
et al, with SCS
12. SB 243-Yeckel
13. SBs 361, 103, 156 &
329-Steelman, with SCS
14. SB 28-Gross
15. SB 362-Steelman and
Gross
16. SB 184-Bartle and Scott

HOUSE BILLS ON THIRD READING

HB 412-Goodman, et al

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

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

SB 24-Steelman, with SCS
& SS for SCS (pending)
SB 33-Loudon and Scott, with SS (pending)

SB 51-Shields	SB 280-Scott, et al, with SCS, SS for SCS, SS for SS for SCS, SA 16 & SSA 1 for SA 16 (pending)
SB 69-Yeckel and Nodler, with SCS (pending)	SB 300-Cauthorn, et al, with SCS
SB 112-Loudon, with SCS	SB 347-Loudon, et al, with SCS
SB 207-Mathewson	SB 436-Klindt, with SCS, SS for SCS & SA 2 (pending)
SB 217-Champion and Clemens, with SS (pending)	SB 481-Dolan, et al, with SCS, SS for SCS & SS for SS for SCS (pending)
SB 253-Steelman, et al, with SCS, SS for SCS & SA 1 (pending)	
SB 264-Shields, with SCS	

Unofficial
SENATE CALENDAR
Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell

Journal
Reported 2/24

SB 385-Scott, with SCS

Reported 3/3

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

Copy

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 431-Gibbons
SB 506-Clemens
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

Reported 3/11

SB 165-Bland
SB 480-Dolan
SB 492-Scott
SB 548-Champion

SB 607-Loudon
SB 616-Nodler
SB 399-Caskey

Reported 3/13

SB 159-Bland, with SCS
SB 571-Loudon
SB 618-Kennedy and Shields
SB 534-Cauthorn
SB 351-Dougherty, with SCS
SB 16-Childers, with SCS
SB 120-Caskey
SB 504-Clemens and
Champion, with SCS
SB 513-Kennedy and Coleman,
with SCS

SB 562-Griesheimer, with SCS
SB 577-Shields
SB 578-Shields
SB 590-Shields
SB 592-Foster, with SCS
SB 621-Loudon, with SCS
SB 635-Mathewson, with SCS
SB 694-Klindt
SB 180-Bland
SBs 632 & 644-Days, with SCS
SB 642-Foster, with SCS

SB 676-Kennedy, with SCS
SB 666-Bland, with SCS
SB 686-Russell, with SCS
SB 334-Goode
SB 651-Steelman, et al
SB 668-Cauthorn and Klindt
SB 606-Coleman
SB 611-Clemens, et al
SB 623-Foster
SB 293-Vogel

SB 583-Nodler
SB 438-Clemens, et al
SB 490-Dolan
SB 594-Bray, with SCS
SB 598-Childers and Nodler
SB 697-Nodler, et al
SB 552-Yeckel
SB 463-Gross
SB 511-Kinder, et al

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

Unofficial
In Conference

HCS for HB 15, with SCS
(Russell)

Journal
RESOLUTIONS

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

Copy