

Journal of the Senate

FIRST REGULAR SESSION

FORTY-FIRST DAY—WEDNESDAY, MARCH 19, 2003

The Senate met pursuant to adjournment.

President Pro Tem Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Know that wisdom is such to your soul; if you find it, you will find a future and your hope will not be cut off.” (Proverbs 24:14)

O Lord, You are the only source of wisdom and we seek it so we may be more effective in our work here. Help that the decisions we make and laws we pass may provide our state and our people with hope at this time that is so challenging and filled with doubts and fears. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

Photographers from KRCG-TV, the Associated Press and KOMU-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 Quick offered Senate Resolution No. 426, regarding Rita B. Hanks, Smithville, which was adopted.

Senator Gibbons offered Senate Resolution No. 427, regarding Emil A. Wilde, Kirkwood, which was adopted.

Senator Nodler offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 428

WHEREAS, it is with special pleasure that the members of the Missouri Senate pause to recognize an outstanding Missouri citizen whose selfless acts of courage and bravery are an inspiration to all who know and love him; and

WHEREAS, Kyle Benford of Joplin, Missouri, is to be commended for his heroic role in saving the lives of two individuals who nearly drowned after the car in which they were traveling skidded off the road and landed in a pond; and

WHEREAS, nineteen-year-old Kyle Benford and his

girlfriend were sitting at a stop sign when they witnessed the car skid off the road and jump twenty feet into the pond, which is located on land owned by Don and Connie Balestrin; and

WHEREAS, Kyle Benford left his vehicle and quickly jumped into the pond, where the car was completely submerged, and helped the female passenger out of the car and safely to shore; and

WHEREAS, Kyle then returned to the water to rescue the driver, twenty-nine-year-old Rob Sneed, who had swum to the back of the car and was trying unsuccessfully to get out the back window; and

WHEREAS, Kyle Benford used a hammer to break the back window and retrieve the driver, pulling him to shore as the Missouri State Highway Patrol and ambulance crews arrived at the scene; and

WHEREAS, Rob Sneed and his passenger took solace at the home of Don and Connie Balestrin, where they warmed themselves by the fire and the details of their accident and rescue by Kyle Benford eventually began to sink in as the shock of their ordeal wore off; and

WHEREAS, without the quick thinking and unselfish actions of Kyle Benford, the couple could have faced a more serious situation or even drowned;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, unanimously join in a thunderous round of applause for Kyle Benford, a remarkable young man whose selfless attempt to save the lives of two complete strangers has earned him the title of "hero"; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Kyle Benford, as a mark of our esteem for him.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for **SCS** for **HCS** for **HB 15**, 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.

THIRD READING OF SENATE BILLS

President Maxwell assumed the Chair.

Senator Scott moved that **SS** for **SS** for **SCS**

for **SB 280** be taken up for 3rd reading and final passage, which motion prevailed.

Senator Gross assumed the Chair.

On motion of Senator Scott, **SS** for **SS** for **SCS** for **SB 280** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Cauthorn	Champion	Childers
Clemens	Dolan	Foster	Gibbons
Goode	Griesheimer	Gross	Kinder
Klindt	Loudon	Nodler	Russell
Scott	Shields	Steelman	Vogel
Yeckel—21			

NAYS—Senators

Bland	Bray	Caskey	Coleman
Days	Dougherty	Jacob	Kennedy
Mathewson	Quick	Stoll	Wheeler—12

Absent—Senators—None

Absent with leave—Senator DePasco—1

The President declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 298**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 298**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 298

An Act to repeal sections 311.080, 311.200, 311.260, 311.280, 311.290, 311.293, 311.325, 311.328, 311.360, 311.630, 312.407, and 312.410, RSMo, and to enact in lieu thereof twelve new

sections relating to liquor control, with penalty provisions.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 298** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **SB 298**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 298

An Act to repeal sections 311.080, 311.097, 311.195, 311.200, 311.260, 311.280, 311.290, 311.293, 311.325, 311.328, 311.360, 311.630, 312.407, and 312.410, RSMo, and to enact in lieu thereof fifteen new sections relating to liquor control, with penalty provisions.

Senator Griesheimer moved that **SS** for **SCS** for **SB 298** be adopted.

Senator Childers offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 6, Section 311.200, Line 19 of said page, by striking the word “one” and inserting in lieu thereof the word “**five**”; and

Further amend said bill, Page 7, Section 311.200, Line 2 of said page, by striking the word “fifteen” and inserting in lieu thereof the word “**fifty**”; and further amend line 15 of said page, by striking the word “twenty-five” and inserting in lieu thereof the word “**fifty**”; and further amend line 26 of said page, by striking the word “thirty-five” and inserting in lieu thereof the word “**fifty**”.

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

Senator Shields assumed the Chair.

Senator Childers offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 3, Section 311.097, Line 3 of said page, by striking the word “thirty” and inserting in lieu thereof the words “**one hundred**”; and further amend line 17 of said page, by striking the word “thirty” and inserting in lieu thereof the words “**one hundred**”; and further amend line 22 of said page, by striking the word “thirty” and inserting in lieu thereof the words “**one hundred**”; and

Further amend said bill, Page 9, Section 311.260, Line 26 of said page, by striking the word “thirty” and inserting in lieu thereof the words “**one hundred**”.

Senator Childers moved that the above amendment be adopted.

At the request of Senator Griesheimer, **SB 298**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

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 **SCS** for **SB 264**, 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.

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 93**, entitled:

An Act to authorize the conveyance of

property owned by the state in the county of Callaway to the city of Fulton, 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 **HB 99**, entitled:

An Act to repeal section 130.016, RSMo, and to enact in lieu thereof one new section relating to campaign contribution filing requirements.

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 133**, entitled:

An Act to repeal sections 115.531 and 115.575, RSMo, and to enact in lieu thereof two new sections relating to elections of circuit and associate circuit judges.

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 162**, entitled:

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

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 199**, entitled:

An Act to repeal section 84.510, RSMo, and to enact in lieu thereof one new section relating to certain police officers.

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 246**, entitled:

An Act to repeal section 86.690, RSMo, and to enact in lieu thereof four new sections relating to police relief and pension systems.

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 284**, entitled:

An Act to repeal section 304.157, as enacted by senate bill no. 17, ninetieth general assembly, first regular session, relating to vehicles left unattended or improperly parked on private property of another.

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 307**, entitled:

An Act to repeal section 44.090, RSMo, and to enact in lieu thereof one new section relating to mutual-aid agreements.

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 332**, entitled:

An Act to repeal sections 337.600 and 337.633, RSMo, and to enact in lieu thereof three new sections relating to social work, with a penalty provision.

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 348** and **347**, entitled:

An Act to repeal sections 70.660 and 70.686, RSMo, and to enact in lieu thereof two 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 **HB 358**, entitled:

An Act to repeal section 328.110, RSMo, and to enact in lieu thereof one new section relating to barbers' licenses.

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 431**, entitled:

An Act to repeal section 104.450, RSMo, and to enact in lieu thereof one new section relating to public retirement systems.

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 440**, entitled:

An Act to repeal section 332.327, RSMo, and to enact in lieu thereof one new section relating to dentists.

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 141**, entitled:

An Act to repeal section 536.077, RSMo, and to enact in lieu thereof one new section relating to subpoenas.

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 249**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to designation of a certain state route.

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 251**, entitled:

An Act to repeal section 301.566, RSMo, and to enact in lieu thereof one new section relating to motor vehicle sales or shows.

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 261**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to designation of a state entity.

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 327**, entitled:

An Act to repeal section 227.120, RSMo, and to enact in lieu thereof one new section relating to the construction and maintenance of highways, 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 **HCS for HB 371**, entitled:

An Act to repeal sections 307.177 and 307.400, RSMo, and to enact in lieu thereof two new sections relating to hazardous waste carriers, 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 376**, entitled:

An Act to repeal section 58.096, RSMo, and to enact in lieu thereof one new section relating to deputy coroner compensation.

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 493**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto 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 **HB 553**, entitled:

An Act to repeal section 67.210, RSMo, and to enact in lieu thereof one new section relating to health insurance benefits for officers and employees of political subdivisions.

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 574**, entitled:

An Act to authorize the conveyance of property owned by the state at the Missouri Eastern Correctional facility in the County of St. Louis to the City of Pacific.

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 521**, entitled:

An Act to repeal section 320.094, RSMo, and to enact in lieu thereof one new section relating to the Missouri Fire Education Trust Fund.

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 97**, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a law enforcement sales tax, with an emergency clause.

Emergency clause defeated.

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 394**, entitled:

An Act to amend chapter 194, RSMo, by adding thereto one new section relating to the designation of next-of-kin for deceased persons.

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 HB 1**, entitled:

An Act to appropriate money to the Board of Fund Commissioners for the cost of issuing and processing State Water Pollution Control Bonds, Stormwater Control Bonds, Third State Building Bonds and Fourth State Building Bonds, as provided by law, to include payments from the Water Pollution Control Bond and Interest Fund, Stormwater Control Bond and Interest Fund, Third State Building Bond Interest and Sinking Fund, Fourth State Building Bond and Interest Fund, Water Pollution Control Fund and Stormwater Control Fund, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

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 HB 2**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the State Board of Education and the Department of Elementary and Secondary Education and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

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 **HB 3**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions, programs, and institutions of higher education included therein to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Gibbons, the Senate recessed until 3:00 p.m.

RECESS

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

REFERRALS

President Pro Tem Kinder referred **SCR 14** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Kinder referred **SB 159**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 298**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 was again taken up.

Senator Kinder offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 3, Section 311.097, Line 3 of said page, by striking the word "thirty" and inserting in lieu thereof the word "**fifty**"; and further amend line 17 of said page, by striking the word "thirty" and inserting in lieu thereof the word "**fifty**"; and further amend line 22 of said page, by striking the word "thirty" and inserting in lieu thereof the word "**fifty**"; and

Further amend said bill, Page 9, Section 311.260, Line 26 of said page, by striking the word "thirty" and inserting in lieu thereof the word "**fifty**".

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

Senator Steelman offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 298, Page 1, Section A, Line 7 of said page, by inserting after all of said line the following:

"311.050. It shall be unlawful for any person, firm, partnership or corporation to manufacture, sell or expose for sale in this state intoxicating liquor, as defined in section 311.020, in any

quantity, or allow such liquor on the premises of an adult cabaret as defined in section 573.500, RSMo, without taking out a license.

311.053. Notwithstanding any other provisions of this chapter or chapter 312, RSMo, to the contrary, any person who possesses the qualifications required by this chapter, and who meets the requirements of and complies with the provisions of this chapter or chapter 312, RSMo, may apply for and the supervisor of alcohol and tobacco control may issue a license to possess intoxicating liquor, as defined in this chapter, on the premises of an adult cabaret as defined in section 573.500, RSMo, so long as the person complies with the provisions of section 573.509, RSMo.”; and

Further amend said bill, Page 17, Section 312.410, Line 14 of said page, by inserting after all of said line the following:

“573.509. 1. No person less than twenty-one years of age shall dance in an adult cabaret as defined in section 573.500, nor shall any proprietor of such establishment permit any person less than twenty-one years of age to dance in an adult cabaret.

2. Any person who violates the provisions of subsection 1 of this section is guilty of a class A misdemeanor.”; and

Further amend the title and enacting clause accordingly.

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

Senator Griesheimer moved that **SS** for **SCS** for **SB 298**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SCS** for **SB 298**, as amended, was declared perfected and ordered printed.

Senator Bartle moved that **SB 427**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 427**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 427

An Act to repeal sections 409.101, 409.102, 409.201, 409.202, 409.203, 409.204, 409.301, 409.302, 409.303, 409.304, 409.305, 409.306, 409.307, 409.401, 409.402, 409.403, 409.404, 409.405, 409.406, 409.407, 409.408, 409.409, 409.410, 409.411, 409.412, 409.413, 409.414, 409.415, 409.416, 409.418, 409.420, and 409.421, RSMo, and to enact in lieu thereof fifty-three new sections relating to securities regulation, with penalty provisions.

Was taken up.

Senator Bartle moved that **SCS** for **SB 427** be adopted, which motion prevailed.

On motion of Senator Bartle, **SCS** for **SB 427** was declared perfected and ordered printed.

Senator Goode moved that **SB 125** and **SB 290**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 125** and **290**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 125 and 290

An Act to amend chapter 393, RSMo, by adding thereto seven new sections relating to recovery of certain costs by utilities.

Was taken up.

Senator Goode moved that **SCS** for **SBs 125** and **290** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 125 and 290, Page 1, Section 393.1000, Line 7, by inserting immediately after the word “of” the following: “**accumulated deferred income taxes and**”.

Senator Dolan moved that the above amendment be adopted.

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

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

Amend Senate Committee Substitute for Senate Bills Nos. 125 and 290, Page 1, Section 393.1000, Line 7, by inserting immediately after the word “of” the following: “**accumulated deferred income taxes and**”; and

Further amend said bill, Page 7, Section 393.1009, Line 7, by inserting immediately after the word “of” the following: “**accumulated deferred income taxes and**”.

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

Senator Bartle assumed the Chair.

Senator Shields assumed the Chair.

Senator Kennedy offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 125 and 290, Page 13, Section 393.1018, Line 24, by inserting after the word “commission” the following: “**but the amount of any rate increase resulting from such a petition filed pursuant to this section shall be disclosed in the utility’s tariffs on file with the commission**”.

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

At the request of Senator Goode, **SB 125** and **SB 290**, with **SCS**, as amended (pending), were placed on the Informal Calendar.

Senator Childers moved that **SB 422**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 422**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 422

An Act to repeal section 162.261, RSMo, and to enact in lieu thereof one new section relating to qualification for service on a seven-director or urban school board.

Was taken up.

Senator Childers moved that **SCS** for **SB 422** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 422, Page 1, Section 162.261, Line 12, by inserting after all of said line the following:

“**Section 1. No person may run for, nor serve as a member of the Missouri general assembly who is married to an employee of the state, any state agency, board or commission or any political subdivision of this state.**”; and

Further amend the title and enacting clause accordingly.

Senator Caskey moved that the above amendment be adopted.

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

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

Amend Senate Committee Substitute for Senate Bill No. 422, Page 1, Section 162.261, Lines 10-12, by striking all of said lines and inserting in lieu thereof the following:

“**2. No seven-director or urban school district board shall hire a spouse of any member of such board unless the position has been advertised in a local newspaper for at least thirty days in advance and the names of all applicants as well as the name of the applicant hired for the position are included in the board minutes.**”.

Senator Childers moved that the above

substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Dolan, Gibbons, Scott and Stoll.

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

YEAS—Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Coleman	Dolan	Foster
Gibbons	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Scott	Shields
Steelman	Vogel	Yeckel—23	

NAYS—Senators

Bland	Bray	Clemens	Days
Dougherty	Goode	Quick	Stoll
Wheeler—9			

Absent—Senator Russell—1

Absent with leave—Senator DePasco—1

At the request of Senator Childers, **SB 422**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HS** for **HB 4**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Revenue and the Department of Transportation, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

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 **HB 5**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Office of Administration, the Department of Transportation, the Department of Public Safety, and the Chief Executive's Office, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

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 **HB 6**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions and programs thereof and for the expenses, grants, refunds, distributions, and capital improvements projects involving the repair, replacement, and maintenance of state buildings and facilities of the Department of Natural Resources and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds, for the period beginning July 1, 2003 and ending June 30, 2004.

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 **HB 7**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

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 **HB 8**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety, and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, and to transfer money among certain funds for the period beginning July 1, 2003 and ending June 30, 2004.

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 **HB 9**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions and programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

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 **HB 10**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services, and the several divisions and programs thereof, the Missouri Health Facilities Review Committee and the Commission for the Missouri Senior Rx Program to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

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 **HB 11**, entitled:

An Act to appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions and

programs thereof to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

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 **HB 12**, entitled:

An Act to appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, Missouri Prosecuting Attorneys and Circuit Attorneys Retirement Systems, and the Judiciary and the Office of the State Public Defender, and the several divisions and programs thereof, and for the payment of salaries and mileage of members of the State Senate and the House of Representatives and contingent expenses of the General Assembly, including salaries and expenses of elective and appointive officers and necessary capital improvements expenditures; for salaries and expenses of members and employees and other necessary operating expenses of the Missouri Commission on Interstate Cooperation, the Committee on Legislative Research, various joint committees, for the expenses of the interim committees established by the General Assembly, and to transfer money among certain funds, to be expended only as provided in Article IV, Section 28 of the Constitution of Missouri, for the period beginning July 1, 2003 and ending June 30, 2004.

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 13**, entitled:

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

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

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 **SCS** for **SB 298**, 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.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 429, regarding Linda May Jones, ACSW, LCSW,

Clinton, which was adopted.

Senator Cauthorn offered Senate Resolution No. 430, regarding Eric Gearing, DC, Clarksville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 431, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. John A. Lyell, Hunnewell, which was adopted.

Senator Bland offered Senate Resolution No. 432, regarding the death of John Simpson Gillians, Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Kenneth Knauer and Michael Quin, Springfield.

Senator Champion introduced to the Senate, the Physician of the Day, Norman P. Knowlton, III, M.D., Springfield.

Senator Caskey introduced to the Senate, Susie Yoder and eighth grade students from Harrisonville Middle School, Harrisonville; and Brok Dickey, Meredith Weedman, and Chandler Hight were made honorary pages.

Senator Gibbons introduced to the Senate, Charlie Spencer and Jan Shuster, Kirkwood.

Senator Shields introduced to the Senate, Teresa and Christian Robbins and June and Nick Andriano, St. Joseph; and Janet and Larry Leachman, Platte City.

Senator Steelman introduced to the Senate, Marilyn Smith and Junior Girl Scout Troop 189, Waynesville; and Madeleine Arnold, Kamariah Bailey, Lauren Cramer, Nicole French, Laura Gooderham, Krystal Krill, and Amber Varner were made honorary pages.

Senator Quick introduced to the Senate, Carroll Makemson and students from Liberty Middle School and Liberty Junior High School, Liberty.

Senator Caskey introduced to the Senate, Diana Kornfeld and the Student Advisory Board for Service-Learning at Belton High School.

On behalf of Senator Gross and himself, Senator Dolan introduced to the Senate, Linda Sellers, Wentzville; Cathi Lammert, St. Charles; and Kim Endraske, O'Fallon.

On behalf of Senator Gross and himself, Senator Dolan introduced to the Senate, Wayne Boschert and John Boerding, St. Charles; and Jim Bethman, St. Peters.

Senator Clemens introduced to the Senate, representatives of Americorps, Nixa.

Senator Scott introduced to the Senate, representatives of the Missouri Cattlemen's Association.

Senator Loudon introduced to the Senate, Whitney Weeks, and her mother, Carol, Chesterfield.

Senator Gibbons introduced to the Senate, fifty-five students from Webster Groves Computer School, Webster Groves.

Senator Dougherty introduced to the Senate, Britney and Laura Underwood, St. Louis.

Senator Gibbons introduced to the Senate, Frank Plescia, and his son, Matt, Creve Couer; and Matt was made an honorary page.

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

SENATE CALENDAR

FORTY-SECOND DAY—THURSDAY, MARCH 20, 2003

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 288	HB 327-Lipke
HB 91-Mayer	HCS for HB 371
HCS for HB 273	HB 376-Cooper (120)
HS for HCS for HB 156-Phillips	HCS for HB 493
HCS for HB 600	HB 553-Smith (14)
HCS for HB 93	HB 574-Jackson and Selby
HB 99-Seigfreid	HB 521-Dethrow, et al
HCS for HB 133	HCS for HB 97
HB 162-Shoemaker	HCS for HB 394
HB 199-Jolly, et al	HS for HB 1 (Bearden)
HB 246-Bishop, et al	HS for HB 2 (Bearden)
HB 284-Crawford	HS for HB 3 (Bearden)
HB 307-Merideth and Shoemaker	HS for HB 4 (Bearden)
HCS for HB 332	HS for HB 5 (Bearden)
HCS for HBs 348 & 347	HS for HB 6 (Bearden)
HB 358-Boykins	HS for HB 7 (Bearden)
HCS for HB 431	HS for HB 8 (Bearden)
HB 440-Portwood	HS for HB 9 (Bearden)
HB 141-Mayer	HS for HB 10 (Bearden)
HB 249-Seigfreid	HS for HB 11 (Bearden)
HB 251-Smith (118)	HS for HB 12 (Bearden)
HB 261-Whorton, et al	HCS for HB 13 (Bearden)

THIRD READING OF SENATE BILLS

SB 207-Mathewson	SS for SCS for SB 298-
SS for SCS for SB 264-Shields	Griesheimer

SENATE BILLS FOR PERFECTION

- | | |
|--|--|
| 1. SB 2-Russell, with SCS | 7. SBs 556 & 311-Kinder, et al, with SCS |
| 2. SB 544-Gross, et al, with SCS | 8. SB 243-Yeckel |
| 3. SB 450-Mathewson, et al,
with SCS | 9. SBs 361, 103, 156 &
329-Steelman, with SCS |
| 4. SB 305-Jacob and Steelman | 10. SB 28-Gross |
| 5. SB 410-Shields and Goode,
with SCS | 11. SB 362-Steelman and Gross |
| 6. SB 5-Caskey, with SCS | 12. SB 184-Bartle and Scott |
| | 13. SB 38-Klindt, et al, with SCS |

HOUSE BILLS ON THIRD READING

HB 412-Goodman, et al (Childers)

Unofficial
INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|---|---|
| SB 18-Yeckel and Cauthorn, with
SCS & SS for SCS (pending) | SB 217-Champion and
Clemens, with SS (pending) |
| SB 24-Steelman, with SCS
& SS for SCS (pending) | SB 253-Steelman, et al, with
SCS, SS for SCS & SA 1 (pending) |
| SB 33-Loudon and Scott,
with SS (pending) | SB 300-Cauthorn, et al, with SCS |
| SB 51-Shields, with SS, SS for
SS & SA 1 (pending) | SB 347-Loudon, et al, with SCS |
| SB 69-Yeckel and Nodler,
with SCS (pending) | SB 422-Childers, with SCS
(pending) |
| SB 112-Loudon, with SCS | SB 436-Klindt, with SCS, SS
for SCS & SA 2 (pending) |
| SBs 125 & 290-Goode, with
SCS (pending) | SB 481-Dolan, et al, with
SCS, SS for SCS & SS for
SS for SCS (pending) |

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell

Reported 2/24

SB 385-Scott, with SCS

Reported 3/4

SB 468-Bartle

Reported 3/10

SB 295-Shields, with SCS

SB 529-Childers

SB 547-Caskey, with SCS

SB 392-Shields

(In Fiscal Oversight)

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

(In Fiscal Oversight)

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 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

Unofficial

RESOLUTIONS

Reported from Committee

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

Journal

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