

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-NINTH DAY—TUESDAY, MARCH 16, 2004

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“Gratitude is the most fruitful way of deepening your consciousness that you are not an “accident”, but a divine choice.”
(Henri J.M. Nouwen)

Gracious God, during this week help us to be mindful and grateful of the gift of others who work for us and do things we need completed. Help us to remember the more we are grateful for our uniqueness the more grateful we ought to be for others in our lives. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

Senator Gibbons moved that the Senate Journal for Monday, March 15, 2004, be corrected on Page 634, Column 2, Line 33, by deleting the numeral “1334” and inserting in lieu thereof the numeral “1344”, which motion prevailed.

The Journal for Monday, March 15, 2004 was read and approved, as corrected.

Photographers from the Associated Press 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	Callahan
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—34		

Absent with leave—Senators—None

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 1568, regarding the Honorable Kit Bond and the Parents as Teachers program, which was adopted.

Senator Champion offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1569

WHEREAS, the members of the Missouri Senate hold in high esteem those Show-Me State businesses which bring honor and glory to themselves and to the state of Missouri through the excellence of their achievements in their chosen fields of endeavor; and

WHEREAS, 3M Springfield is one of four 3M facilities in the state of Missouri and the only manufacturing plant which is totally focused on adhesives, coatings, and sealers for the support of automotive, construction, aerospace, marine, traffic control, and packaging industries throughout the world; and

WHEREAS, 3M Springfield recently enhanced its already impressive record of accomplishment when it received Manufacturer of the Year recognition from the Springfield Area Chamber of Commerce; and

WHEREAS, the Manufacturer of the Year award is presented annually by the Springfield Area Chamber of Commerce in order to showcase the \$3.5 billion impact that the manufacturing sector has on southwest Missouri; and

WHEREAS, 3M Springfield earned Manufacturer of the Year honors in light of its growth, stability, community involvement, and customer satisfaction; and

WHEREAS, no stranger to accolades, 3M Springfield earlier in the year 2003 was inducted into the Clara Barton Society of the American Red Cross in recognition of its contributions to local and national Red Cross offices after several devastating tornadoes struck the Springfield region; and

WHEREAS, 3M Springfield's allied 3M Foundation earned Foundation of the Year status from the Ozarks chapter of the Association of Fund-Raising Professionals for its partnerships with United Way, Springfield Public School Foundation, Court Appointed Special Volunteers, the Girl Scouts, and other worthy organizations:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, join unanimously to applaud the well-deserved selection of 3M Springfield as Manufacturer of the Year by the Springfield Area Chamber of Commerce and to convey to its management, employees, and worldwide customers this legislative body's sincerest best wishes for continued success for many more years to come; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of the 3M Springfield plant in Springfield, Missouri.

Senator Childers offered Senate Resolution No. 1570, regarding Dena Shepherd, Nixa, which was adopted.

Senator Kennedy offered Senate Resolution No. 1571, regarding Sister Ellen Michael Leary, CSJ, Mehlville, which was adopted.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Russell, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS for HB 1014**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Nodler assumed the Chair.

THIRD READING OF SENATE BILLS

SB 1044, with **SCS**, introduced by Senator Shields, entitled:

An Act to repeal sections 181.021, 181.100, 181.110, 181.120, and 181.130, RSMo, and to enact in lieu thereof five new sections relating to the state library.

Was called from the Consent Calendar and taken up.

SCS for SB 1044, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1044

An Act to repeal sections 37.310, 37.320, 37.360, 181.021, 181.100, 181.110, 181.120, and 181.130, RSMo, and to enact in lieu thereof eight new sections relating to the state library.

Was taken up.

Senator Shields moved that **SCS for SB 1044** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS for SB 1044** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

Yeckel—29

NAYS—Senators—None

Absent—Senators

Coleman Quick Stoll—3

Absent with leave—Senators

Bland Foster—2

The President declared the bill passed.

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

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

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

SB 1007, introduced by Senator Goode, et al, entitled:

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to gubernatorial appointments.

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

On motion of Senator Goode, **SB 1007** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators

Bland Foster—2

The President declared the bill passed.

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

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

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

SB 962, with **SCS**, introduced by Senator Clemens, entitled:

An Act to repeal sections 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, and 334.717, RSMo, and to enact in lieu thereof eight new sections relating to licensing of athletic trainers.

Was called from the Consent Calendar and taken up.

SCS for **SB 962**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 962

An Act to repeal sections 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, and 334.717, RSMo, and to enact in lieu thereof eight new sections relating to licensing of athletic trainers.

Was taken up.

Senator Clemens moved that **SCS** for **SB 962** be adopted, which motion prevailed.

On motion of Senator Clemens, **SCS** for **SB 962** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bland Foster—2

The President declared the bill passed.

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

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

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

SB 992, with **SCS**, introduced by Senator Cauthorn, entitled:

An Act to repeal section 578.154, RSMo, and to enact in lieu thereof one new section relating to the possession of anhydrous ammonia, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 992**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 992

An Act to repeal section 578.154, RSMo, and to enact in lieu thereof one new section relating to the possession and transportation of anhydrous ammonia, with penalty provisions.

Was taken up.

Senator Cauthorn moved that **SCS** for **SB 992** be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **SB 992** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bland Foster—2

The President declared the bill passed.

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

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

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

SB 1177, with **SCS**, introduced by Senator Klindt, entitled:

An Act to repeal sections 393.705, 393.710, 393.715, 393.720, 393.725, 393.730, 393.740, 393.745, 393.760, and 393.770, RSMo, and to enact in lieu thereof ten new sections relating to joint municipal utility commissions.

Was called from the Consent Calendar and taken up.

SCS for **SB 1177**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1177

An Act to repeal sections 393.705, 393.710, 393.715, 393.720, 393.725, 393.730, 393.740, 393.745, 393.760, and 393.770, RSMo, and to enact in lieu thereof ten new sections relating to joint municipal utility commissions.

Was taken up.

Senator Klindt moved that **SCS** for **SB 1177** be adopted, which motion prevailed.

On motion of Senator Klindt, **SCS** for **SB 1177** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Bland Foster Russell—3

The President declared the bill passed.

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

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

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

SB 900, with **SCA 1**, introduced by Senator Goode, entitled:

An Act to repeal sections 307.366 and 643.315, RSMo, and to enact in lieu thereof two new sections relating to vehicle equipment regulations.

Was called from the Consent Calendar and taken up.

SCA 1 was taken up.

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

On motion of Senator Goode, **SB 900**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Stoll—1

Absent with leave—Senators

Bland Foster Russell—3

The President declared the bill passed.

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

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

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

SB 945, with **SCS**, introduced by Senator Gibbons, entitled:

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to student volunteer opportunities.

Was called from the Consent Calendar and taken up.

SCS for **SB 945**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 945

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to student volunteer opportunities.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 945** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 945** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dolan
Dougherty	Gibbons	Goode	Griesheimer
Gross	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Scott
Shields	Steelman	Vogel	Wheeler—28

NAYS—Senators—None

Absent—Senators

Jacob Quick Stoll Yeckel—4

Absent with leave—Senators

Foster Russell—2

The President declared the bill passed.

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

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

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

SB 1087, introduced by Senator Days, et al, entitled:

An Act to repeal section 162.700, RSMo, and to enact in lieu thereof one new section relating to the placement of certain special education pupils.

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

On motion of Senator Days, **SB 1087** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Stoll—1

Absent with leave—Senators

Foster Russell—2

The President declared the bill passed.

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

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

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

Senator Shields assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Clemens moved that **SB 1232**, with

SCS, be taken up for perfection, which motion prevailed.

SCS for **SB 1232**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1232

An Act to amend chapter 34, RSMo, by adding thereto five new sections relating to the competitive government act.

Was taken up.

Senator Clemens moved that **SCS** for **SB 1232** be adopted.

Senator Nodler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1232, Page 1, Section A, Line 3, by inserting immediately after said line the following:

“8.237. 1. Each governmental unit, as defined in section 8.231, that enters into a contract for the implementation of any energy conservation or facility improvement measure shall meet the following requirements:

(1) Obtain a report from the entity providing the energy conservation measures containing recommendations concerning the costs of installation, modifications, or remodeling, including costs of design, engineering, maintenance, repairs, and financing; and

(2) The report shall guarantee to such governmental unit an amount of cost savings in energy or operating costs if such installation, modification, or remodeling is performed by that entity.

2. For purposes of this section, “energy conservation and facility improvement measure” includes, but is not limited to, automated or computerized energy control and facility management systems or computerized maintenance management systems, replacement or modification of lighting fixtures and systems, energy recovery systems, water conservation,

cogeneration systems, and window and door system modifications designed to reduce energy consumption.

3. Prior to a governmental unit entering into such contract, it shall solicit bids or competitive sealed proposals from entities awarding the contract to an entity that best meets the needs of the governmental unit, which need not be the lowest cost provider.

4. Energy savings shall be guaranteed by the entity for the entire term of the contract, and such reductions in energy consumption and cost savings attributable to the energy conservation and facility improvement measures shall be periodically provided in writing to the contracting governmental unit.”; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above amendment be adopted.

Senator Dougherty raised the point of order that **SA 1** is out of order, as it goes beyond the scope, title and purpose of the original bill.

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

At the request of Senator Nodler, **SA 1** was withdrawn, rendering the point of order moot.

Senator Nodler assumed the Chair.

At the request of Senator Clemens, **SB 1232**, with **SCS** (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

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

HS for **HCS** for **HB 1304**—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 1215**—Judiciary and Civil and Criminal Jurisprudence.

HS for **HCS** for **HB 852**—Aging, Families, Mental and Public Health.

HB 1183—Economic Development, Tourism and Local Government.

HS for **HCS** for **HB 1290**—Ways and Means.

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 959**, entitled:

An Act to repeal sections 33.103, 166.435, 408.032, 408.140, 408.190, 408.232, 432.045, 443.130, and 575.120, RSMo, and to enact in lieu thereof twenty-seven new sections relating to banking, 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 **HCS** for **HB 1115**, entitled:

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to the commonsense consumption act, with an effective date.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Gibbons, the Senate recessed until 2:30 p.m.

RECESS

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

RESOLUTIONS

Senator Nodler offered Senate Resolution No.

1572, regarding the Ninetieth Birthday of Lucille L. Anderson, Granby, which was adopted.

Senator Nodler offered Senate Resolution No. 1573, regarding the Eighty-fifth Birthday of Bertha Lair Thurman, Neosho, which was adopted.

THIRD READING OF SENATE BILLS

SB 1086, introduced by Senator Cauthorn, entitled:

An Act to repeal section 375.937, RSMo, and to enact in lieu thereof one new section relating to homeowner insurance requirements by lenders.

Was called from the Consent Calendar and taken up.

On motion of Senator Cauthorn, **SB 1086** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Days	Dolan	Dougherty	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Shields
Steelman	Stoll	Vogel	Wheeler—28

NAYS—Senators—None

Absent—Senators

Bland	Coleman	Scott	Yeckel—4
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Absent with leave—Senators

Foster	Russell—2
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The President declared the bill passed.

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

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

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

SB 1078, with **SCS**, introduced by Senator Loudon, entitled:

An Act to repeal section 382.210, RSMo, and

to enact in lieu thereof one new section relating to extraordinary dividends of insurance holding companies.

Was called from the Consent Calendar and taken up.

SCS for **SB 1078**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1078

An Act to repeal section 382.210, RSMo, and to enact in lieu thereof one new section relating to notice of extraordinary dividends in insurance holding company systems.

Was taken up.

Senator Loudon moved that **SCS** for **SB 1078** be adopted, which motion prevailed.

On motion of Senator Loudon, **SCS** for **SB 1078** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Gibbons	Griesheimer	Gross	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Bland	Goode	Jacob—3
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Absent with leave—Senators

Foster	Russell—2
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The President declared the bill passed.

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

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

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

SB 883, introduced by Senator Klindt, entitled:

An Act to repeal section 135.766 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, and to enact in lieu thereof one new section for the sole purpose of reenacting section 135.766 as repealed by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session which was held unconstitutional by the Missouri Supreme Court.

Was called from the Consent Calendar and taken up.

On motion of Senator Klindt, **SB 883** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators

Foster	Russell—2
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The President declared the bill passed.

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

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

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

SB 966, introduced by Senator Shields, entitled:

An Act to amend chapter 288, RSMo, by adding thereto one new section relating to employment security of temporary employees.

Was called from the Consent Calendar and taken up.

On motion of Senator Shields, **SB 966** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators

Foster	Russell—2
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The President declared the bill passed.

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

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

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

SB 757, with **SCS**, introduced by Senator Shields, entitled:

An Act to repeal sections 301.010 and 301.069, RSMo, and to enact in lieu thereof two new sections relating to transportation.

Was called from the Consent Calendar and taken up.

SCS for **SB 757**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 757

An Act to repeal sections 301.010, 301.069, and 390.020, RSMo, and to enact in lieu thereof

three new sections relating to transportation.

Was taken up.

Senator Shields moved that **SCS** for **SB 757** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 757** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Scott
Shields	Steelman	Vogel	Wheeler
Yeckel—29			

NAYS—Senator Quick—1

Absent—Senators

Bland Stoll—2

Absent with leave—Senators

Foster Russell—2

The President declared the bill passed.

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

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

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

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

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 1069**, **SB 1068**, **SB 1025**, **SB 1005** and **SB 1089**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 1069**, **1068**, **1025**, **1005** and **1089**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1069, 1068, 1025, 1005
and 1089**

An Act to repeal sections 386.020, 392.200, 392.220, and 392.245, RSMo, and to enact in lieu thereof five new sections relating to telecommunications companies.

Was taken up.

Senator Gross moved that **SCS** for **SBs 1069**, **1068**, **1025**, **1005** and **1089** be adopted.

Senator Gross offered **SS** for **SCS** for **SBs 1069**, **1068**, **1025**, **1005** and **1089**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1069, 1068, 1025, 1005,
and 1089**

An Act to repeal sections 386.020, 392.200, 392.220, and 392.245, RSMo, and to enact in lieu thereof five new sections relating to telecommunications companies.

Senator Gross moved that **SS** for **SCS** for **SBs 1069**, **1068**, **1025**, **1005** and **1089** be adopted.

Senator Childers offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1069, 1068, 1025, 1005 and 1089, Page 4, Section 386.020, Lines 11-12, by deleting said lines and inserting in lieu thereof the following: “**equivalent or substitutable**”; and

Further amend said Page, said section, line 16-19, by deleting all of said lines and inserting in lieu thereof the following:

“(d) **The extent to which competitive classification in urban and suburban areas will assist the incumbent local exchange telecommunications company in providing adequate and affordable service to high-cost and underserved areas of this state;**”.

Senator Childers moved that the above amendment be adopted.

Senator Goode offered **SA 1 to SA 1**:

SENATE AMENDMENT NO. 1 to
SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1069, 1068, 1025, 1005 and 1089, Page 1, by adding at the end of said amendment the following:

“(e) Existing economic or regulatory barriers to entry; and

(f) Any other factors, such as market share, subscribership level decreases in revenue caused by increased use of telecommunications services from other providers and the extent to which competitive pressure ensures that prices remain just and reasonable, deemed relevant by the commission and necessary to implement the purposes and policies of chapter 392, RSMo;”.

Senator Goode moved that the above amendment be adopted.

President Pro Tem Kinder assumed the Chair.

At the request of Senator Gross, **SB 1069, SB 1068, SB 1025, SB 1005** and **SB 1089**, with **SCS, SS** for **SCS, SA 1** and **SA 1 to SA 1** (pending), were placed on the Informal Calendar.

INTRODUCTION OF GUESTS

President Pro Tem Kinder introduced to the Senate, United States Senator Christopher “Kit” Bond, who assumed the dais and addressed the members of the Senate.

President Pro Tem Kinder assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 1069, SB 1068, SB 1025, SB 1005** and **SB 1089**, with **SCS, SS** for **SCS, SA 1** and **SA 1 to SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to SA 1 was again taken up.

Senator Shields assumed the Chair.

At the request of Senator Goode, **SA 1 to**

SA 1 was withdrawn.

SA 1 was again taken up.

At the request of Senator Childers the above amendment was withdrawn.

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1069, 1068, 1025, 1005 and 1089, Page 4, Section 386.020, Lines 16-19, by deleting all of said lines and inserting in lieu thereof the following:

“(d) The extent to which competitive classification in urban and suburban areas will assist the incumbent local exchange telecommunications company in providing adequate and affordable service to high-cost and underserved areas of this state;”.

Senator Childers moved that the above amendment be adopted.

Senator Goode offered **SA 1 to SA 2**:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 2

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1069, 1068, 1025, 1005 and 1089, Page 1, by adding at the end of said amendment the following:

“(e) Existing economic or regulatory barriers to entry; and

(f) Any other factors, such as market share, subscribership level decreases in revenue caused by increased use of telecommunications services from other providers and the extent to which competitive pressure ensures that prices remain just and reasonable, deemed relevant by the commission and necessary to implement the purposes and policies of chapter 392, RSMo;”.

Senator Goode moved that the above amendment be adopted, which motion failed on a standing division vote.

Senator Goode offered **SA 2 to SA 2**:

**SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 2**

Amend Senate Amendment No. 2 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 1069, 1068, 1025, 1005 and 1089, Page 1, by adding at the end of said amendment the following:

“(e) Existing economic or regulatory barriers to entry; and

(f) Any other factors deemed relevant by the commission and necessary to implement the purposes and policies of chapter 392, RSMo;”.

Senator Goode moved that the above amendment be adopted.

At the request of Senator Gross **SB 1069, SB 1068, SB 1025, SB 1005** and **SB 1089**, with **SCS, SS** for **SCS, SA 2** and **SA 2 to SA 2** (pending), were placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SB 771, with **SCS**, introduced by Senator Bray, entitled:

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the regulation of low-speed vehicles.

Was called from the Consent Calendar and taken up.

SCS for **SB 771**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 771**

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the regulation of low-speed vehicles.

Was taken up.

Senator Bartle assumed the Chair.

Senator Bray moved that **SCS** for **SB 771** be adopted.

At the request of Senator Bray, the above motion was withdrawn, which placed the bill back on the Consent 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 **HCS** for **HB 1363**, entitled:

An Act to amend chapter 109, RSMo, by adding thereto two new sections relating to an archival facility in St. Louis.

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 1439**, entitled:

An Act to repeal section 226.030, RSMo, and to enact in lieu thereof one new section relating to transportation.

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 826**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Laura Ingalls Wilder 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 1291**, entitled:

An Act to repeal section 375.937, RSMo, and to enact in lieu thereof one new section relating to unfair insurance practice and fraud.

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 956**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the official state grass.

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 1398**, entitled:

An Act to repeal sections 95.280 and 95.285, RSMo, and to enact in lieu thereof two new sections relating to depositaries for city funds, 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 **HCS for HB 1399**, entitled:

An Act to repeal sections 334.702, 334.704, 334.706, 334.708, 334.710, 334.712, 334.715, and 334.717, RSMo, and to enact in lieu thereof eight new sections relating to athletic trainers.

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 1259**, entitled:

An Act to repeal section 301.562, RSMo, and to enact in lieu thereof one new section relating to the licensure of motor vehicle dealers and manufacturers.

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 adopted **HCR 10**:

HOUSE CONCURRENT RESOLUTION NO. 10

WHEREAS, the Menfro soil series was established in Missouri in Perry County and is named for the town of Menfro where it was first described and mapped. Menfro soils are very deep, well-drained soils formed in layers of silt loam and silty clay loam; and

WHEREAS, over a million acres of Missouri soil in more than forty counties have been identified as Menfro soil. The Menfro soil series consists of soils formed on wooded upland slopes along the Missouri and Mississippi Rivers and their major tributaries; and

WHEREAS, the current State Capitol, Governor's Mansion, the original State Capitol in St. Charles, the Daniel Boone burial site, and much of the upland areas of Kansas City, St. Louis, Jefferson City, Hermann, Hannibal, and Cape Girardeau are located on Menfro soil; and

WHEREAS, the major land uses of Menfro soils are agriculture and woodland productivity. The main agricultural enterprises grown on Menfro soil are feed grains and forages for livestock, grape vineyards, orchards, and other fruit and vegetable crops; and

WHEREAS, in appreciation for this resource and its value in our economy and environment, the state of Missouri should publicly recognize the importance of soils to our state and encourage educators and other science professionals to teach about soil as a natural resource; and

WHEREAS, the existence of man is dependent on six inches of topsoil and the rain or irrigation water that is applied to such soil:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-second General

Assembly, Second Regular Session, the Senate concurring therein, hereby designate "Menfro soil" as representing the many fertile soils of the State of Missouri.

In which the concurrence of the Senate is respectfully requested.

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 1305**, entitled:

An Act to repeal sections 383.010 and 383.035, RSMo, and to enact in lieu thereof ten new sections relating to insurance for health care providers in Missouri, with a contingent effective date.

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 937**, 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 904**, entitled:

An Act to repeal sections 400.1-105, 400.6-101, 400.6-102, 400.6-103, 400.6-104, 400.6-105, 400.6-107, 400.6-108, 400.6-109, 400.6-110, and 400.6-111, RSMo, and to enact in lieu thereof one new section relating to bulk transfers.

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 824**, entitled:

An Act to repeal section 94.834, RSMo, and to enact in lieu thereof one new section relating to municipal transient guest taxes.

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 912**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of 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 **HCS** for **HB 1171**, entitled:

An Act to repeal sections 393.705, 393.710, 393.715, 393.720, 393.725, 393.730, 393.740, 393.745, 393.760, and 393.770, RSMo, and to enact in lieu thereof ten new sections relating to joint municipal utility projects.

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 1192**, entitled:

An Act to repeal sections 267.470, 267.472, 267.475, 267.480, 267.485, 267.490, 267.495, 267.500, 267.505, 267.510, 267.515, 267.520, 267.525, 267.531, 267.535, 267.540, 267.545, 267.550, 267.551, 267.552, 267.553, 267.554, 267.555, and 267.556, RSMo, and to enact in lieu thereof one new section relating to animal health and inspection.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 1574, regarding Tandra Donehue, Fulton, which was adopted.

Senator Vogel offered Senate Resolution No. 1575, regarding Roger Louis Horstman, Mokane, which was adopted.

Senator Mathewson offered Senate Resolution No. 1576, regarding Evelyn Washington, Marshall, which was adopted.

Senator Mathewson offered Senate Resolution No. 1577, regarding Ryan Drane, Fayette, which was adopted.

Senator Jacob offered Senate Resolution No. 1578, regarding Melissa Coil, Harrisburg, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senators Gross, Clemens and himself, Senator Russell introduced to the Senate, Jim and Melissa Montgomery and their daughters, Makenzie and Audrey; Keith and Ginger Ross and their daughter, Madaline, St. Charles County; and

Aaron and Patty Johns and their sons, Spencer and Zachary, Ozark; and Makenzie, Audrey, Madaline, Spencer and Zachary were made honorary pages.

Senator Gibbons introduced to the Senate, Kara English, Olathe; and Kara was made an honorary page.

Senator Jacob introduced to the Senate, Mrs. Wipfler, Mr. Black and fourth grade students from Mill Creek Elementary School, Columbia; and Will Echelmeier and Whitney Wipfler were made honorary pages.

Senator Cauthorn introduced to the Senate, Mrs. Mika, Mrs. Houf and fourth grade students from McMillian Public School, Mexico.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Elizabeth Cavanagh, M.D., Rock Hill.

Senator Cauthorn introduced to the Senate, Wayne, Pam and Cassie Carpenter, Madison.

On behalf of Senator Gibbons and himself, Senator Loudon introduced to the Senate, Barb Ryan, Thomas Williams, Greg Jendusa, Amber Booth and forty students from Parkway South School, St. Louis County; and Igor Gubin, Uzebekastan and Anna Korunova, Russia.

Senator Kennedy introduced to the Senate, Yvo, Tai Tran, Sarah Nguyen-Bani, Lawrence Dao, Michael-Sheffer and Tra Nguyen, St. Louis; and Kim Nguyen, Wildwood.

Senator Childers introduced to the Senate, Larry Moennis, Randy Henderson and Landon Fletcher, Monett.

On behalf of Senator Mathewson and himself, Senator Dougherty introduced to the Senate, Randy and Debbie Jones, Sedalia.

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

SENATE CALENDAR

 FORTIETH DAY—WEDNESDAY, MARCH 17, 2004

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HB 959
 HCS for HB 1115
 HCS for HB 1363
 HCS for HB 1439
 HB 826-Kelley (144)
 HB 1291-Pearce
 HB 956-May (149)
 HB 1398-Lager
 HCS for HB 1399

HB 1259-Threlkeld
 HCS for HB 1305
 HB 937-Moore, et al
 HB 904-Luetkemeyer
 HB 824-Seigfried
 HCS for HB 912
 HCS for HB 1171
 HCS for HB 1192

THIRD READING OF SENATE BILLS

SS for SS for SB 718-Yeckel, et al
 SCS for SBs 1020, 889 &
 869-Steelman, et al

SS for SS for SCS for SB 715-Childers
 and Caskey (In Fiscal Oversight)
 SCS for SB 988-Steelman
 (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1081-Kinder, et al, with SCS
 SB 1141-Loudon, with SCS
 SB 960-Gibbons, with SCS
 SBs 1233, 840 & 1043-Dolan, with SCS
 SB 710-Goode and Bray, with SCS
 SB 1220-Caskey, with SCS
 SBs 738 & 790-Loudon, with SCS
 SB 1371-Kinder, et al, with SCS

SB 1234-Mathewson and Childers, with SCS
 SJR 40-Stoll
 SB 817-Kennedy and Griesheimer, with SCS
 SB 1124-Goode and Steelman, with SCS
 SB 1128-Cauthorn, with SCS
 SJR 24-Caskey and Bartle, with SCS
 SB 1370-Nodler
 SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 1014, with SCS (Russell)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 1123-Gibbons, et al

SENATE BILLS FOR PERFECTION

SB 755-Shields, with SCS

SB 809-Klindt, with SCS (pending)

SB 856-Loudon, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SBs 1069, 1068, 1025, 1005 &

1089-Gross and Griesheimer, with SCS,

SS for SCS, SA 2 & SA 2 to SA 2 (pending)

SB 1122-Shields, with SCS & SS for SCS (pending)

SB 1138-Bartle

SB 1180-Shields and Kinder, with SCS

SB 1232-Clemens, et al, with SCS (pending)

Unofficial
HOUSE BILLS ON THIRD READING

HB 969-Cooper, et al, with SA 1 (pending)
(Bartle)

HCS for HB 1182, with SCS (Klindt)

Journal
CONSENT CALENDAR
Senate Bills

Reported 2/9

SB 741-Klindt

SB 1093-Gibbons and Yeckel, with SCS

SB 799-Steelman, with SCS

Copy
Reported 2/23

SB 771-Bray, with SCS

SB 772-Bray and Griesheimer

SB 788-Childers, with SCS

SB 845-Yeckel, with SCS

SB 894-Goode

SB 899-Goode

SB 956-Scott, with SCS

SB 1225-Dougherty, et al, with SCS

SB 1114-Loudon

Reported 3/1

SB 762-Champion, with SCS#2
 SB 1212-Wheeler and Russell, with SCS
 SB 1243-Wheeler
 SB 1253-Mathewson, et al, with SCS
 SBs 1085 & 800-Foster, et al, with SCS
 SB 884-Klindt

SB 768-Nodler
 SB 1111-Klindt
 SB 1064-Scott and Clemens
 SB 974-Dougherty, with SCS
 SB 1130-Scott
 SB 1055-Bartle and Wheeler

Reported 3/8

SB 1240-Griesheimer, with SCS
 SB 1249-Champion
 SB 824-Griesheimer
 SB 1112-Clemens
 SB 1257-Days and Foster
 SB 1133-Foster, et al
 SB 1188-Loudon, with SCS
 SB 1181-Yeckel, with SCS
 SB 1250-Scott, with SCS
 SB 1084-Foster, with SCS

SB 1165-Russell
 SB 1274-Shields
 SB 1047-Kennedy
 SB 1083-Kennedy and Dougherty
 SB 1262-Dolan, with SCS
 SB 1299-Loudon
 SB 1215-Griesheimer, with SCS
 (In Fiscal Oversight)
 SB 1235-Loudon, with SCS

Reported 3/15

SB 1259-Childers
 SB 1269-Yeckel, with SCS
 SB 1296-Callahan
 SB 1302-Champion
 SB 1304-Griesheimer and Gibbons, with SCS
 SB 1329-Griesheimer
 SB 1331-Gibbons, with SCS
 SB 1338-Callahan
 SB 1344-Champion
 SB 1391-Foster
 SB 961-Champion, with SCS
 SB 987-Quick, with SCS
 SB 1155-Cauthorn, with SCS
 SB 901-Goode, with SCS
 SB 1152-Steelman, with SCS
 SB 1091-Klindt, with SCS

SB 1323-Shields
 SB 941-Coleman, with SCS
 SB 1189-Scott, with SCS
 SB 1242-Wheeler
 SB 847-Bland
 SB 1311-Wheeler
 SB 1195-Klindt, with SCS
 SB 1066-Steelman, with SCS
 SB 1265-Bartle, with SCS
 SB 1211-Wheeler
 SB 1247-Dougherty and Kennedy, with SCS
 SB 906-Foster, with SCS
 SB 983-Quick, with SCS
 SB 842-Childers
 SB 1320-Kinder
 SB 1322-Mathewson

SB 972-Stoll, with SCS

SB 1365-Yeckel, et al, with SCS

SB 1336-Kennedy and Dougherty, with SCS

SB 1285-Wheeler

SB 1287-Griesheimer, with SCS

RESOLUTIONS

To be Referred

HCR 10-Myers

Reported from Committee

SCR 36-Gibbons and
Dougherty, with SCS

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