

Journal of the Senate

FIRST REGULAR SESSION

TWENTIETH DAY—TUESDAY, FEBRUARY 6, 2001

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Do not deceive yourselves. If you think that you are wise in this age, you should become fools so that you may become wise.” (1 Corinthians 3:18)

Gracious and all knowing God, You look beyond our foolishness and self pride and show us pathways to walk that can help us to understand our place in Your kingdom so that we might better serve in this place and share the load of responsibilities that fall to each of us. Bless us this day with Your presence and strength. 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, KOMU-TV and 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

Bentley	Bland	Carter	Caskey
Cauthorn	Childers	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kenney

Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Scott	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—34		

Absent with leave—Senators—None

The Lieutenant Governor was present.

INTRODUCTION OF BILLS

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

SB 419—By Sims.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to medical assistance for employed persons with disabilities.

SB 420—By Klarich.

An Act to amend chapter 67, RSMo, by adding thereto five new sections relating to the creation of a regional taxicab commission, with an emergency clause.

SB 421—By Gross.

An Act to repeal section 43.265, RSMo 2000, relating to the highway patrol's motor vehicle and aircraft revolving fund, and to enact in lieu thereof one new section relating to the same subject.

COMMITTEE ASSIGNMENTS

President Pro Tem Kinder submitted the following:

February 6, 2001

Ms. Terry Spieler
Secretary of Senate
State Capitol
Jefferson City, MO 65101

Dear Ms. Spieler:

This is to inform you that I have appointed Senator David Klindt to the Education Committee.

Sincerely,

/s/ Peter Kinder
PETER D. KINDER
President Pro Tem

Also,

February 6, 2001

Ms. Terry Spieler
Secretary of Senate
State Capitol
Jefferson City, MO 65101

Dear Ms. Spieler:

This is to inform you that I have appointed Senator Chuck Gross to the Appropriations Committee.

Sincerely,

/s/ Peter Kinder
PETER D. KINDER
President Pro Tem

SENATE BILLS FOR PERFECTION

SB 86 was placed on the Informal Calendar.

Senator Westfall moved that **SB 36**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 36**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 36

An Act to repeal sections 302.302, 302.309, 302.505, 302.510, 302.520, 302.541, 577.012, 577.023, 577.037, 577.600 and 577.602, RSMo 2000, relating to alcohol-related traffic offenses, and to enact in lieu thereof eleven new sections relating to the same subject, with penalty provisions.

Was taken up.

Senator Westfall moved that **SCS** for **SB 36** be adopted.

President Pro Tem Kinder assumed the Chair.

Senator Singleton assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 36, Page 1, In the Title, Line 5, by inserting after the word "provisions" the following: "and an effective date"; and

Further amend said bill, Page 15, Section 577.602, Line 39, by inserting after all of said line the following:

"Section B. The repeal and reenactment of sections 302.302, 302.309, 302.505, 302.510, 302.520, 302.541, 577.012, 577.023, 577.037, 577.600 and 577.602, shall become effective October 1, 2003."

Senator Kinder moved that the above amendment be adopted.

At the request of Senator Westfall, **SB 36**, with **SCS** and **SA 1** (pending) was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Klarich, Chairman of the Committee on Judiciary, Senator Kenney submitted the following report:

Mr. President: Your Committee on Judiciary, to which was referred **SB 207**, 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 Kenney, 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 **SB 256**, 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.

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

Mr. President: Your Committee on Education, to which were referred **SB 26** and **SB 126**, 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.

INTRODUCTION OF BILLS

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

SB 422—By Steelman.

An Act to repeal section 292.606, RSMo 2000, relating to the state emergency management agency, and to enact in lieu thereof one new section relating to the same subject.

SB 423—By Yeckel.

An Act to repeal sections 163.011 and 163.031, RSMo 2000, and to enact in lieu thereof two new sections relating to state school aid to school districts.

SB 424—By Jacob, DePasco, Staples, Wiggins, Mathewson, Quick, Stoll, Carter, Sims, Bentley, Dougherty, Bland, Scott, Caskey, House and Goode.

An Act to amend chapter 354, RSMo, by adding thereto one new section relating to women's health services.

SB 425—By Loudon, Gross, Childers, Steelman, House, DePasco and Jacob.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to public holidays.

SB 426—By Loudon and Bland.

An Act to repeal sections 610.120 and 610.122, RSMo 2000, relating to expungement of certain criminal records, and to enact in lieu thereof eight new sections relating to the same subject, with penalty provisions.

SB 427—By Loudon.

An Act to repeal section 115.027, RSMo 2000, relating to elections, and to enact in lieu thereof one new section relating to the same subject.

SB 428—By Loudon.

An Act to repeal section 213.055, RSMo 2000, relating to unlawful employment practices, and to enact in lieu thereof one new section relating to the same subject.

SB 429—By Dougherty and Bentley.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to postsecondary education for foster children.

SB 430—By Dougherty.

An Act to repeal section 71.640, RSMo 2000, relating to taxation for band funds in certain municipalities, and to enact in lieu thereof one new section relating to the same subject.

SB 431—By Goode and Cauthorn.

An Act to authorize the conveyance of certain state property to the Clarence Cannon Wholesale Water Commission, with an emergency clause.

SB 432—By Stoll and Steelman.

An Act to amend chapter 393, RSMo, by adding thereto ten new sections relating to retail energy customer and worker protection, with an emergency clause.

SECOND READING OF SENATE BILLS

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

SJR 10—Pensions and General Laws.

SJR 11—Education.

SJR 12—Pensions and General Laws.

SJR 13—Pensions and General Laws.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

February 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

John F. Bass, Democrat, 4841 Margaretta, St. Louis City, Missouri 63115, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2006, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 5, 2001

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Nanci A. Bobrow, Ph.D., 50 Kingsbury Place, St. Louis City, Missouri 63112, as a member of the Children's Trust Fund Board, for a term ending September 15, 2003, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,

BOB HOLDEN

Governor

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

On motion of Senator Kenney, the Senate recessed until 2:00 p.m.

RECESS

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

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 142, regarding Benjamin Manning Roberts, Chillicothe, which was adopted.

Senator Klindt offered Senate Resolution No. 143, regarding Travis Reed, Chillicothe, which was adopted.

Senator Klindt offered Senate Resolution No. 144, regarding David Tyler Mapel, Chillicothe, which was adopted.

Senator Klindt offered Senate Resolution No. 145, regarding Brooks Tyler Macoubrie, Chillicothe, which was adopted.

Senator Klindt offered Senate Resolution No. 146, regarding Steven Walker Helmer, Chillicothe, which was adopted.

Senator Staples offered Senator Resolution No. 147, regarding Derek M. Grein, St. Mary, which was adopted.

Senator Rohrbach offered Senate Resolution No. 148, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George S. Grazier, Jefferson City, which was adopted.

Senator Rohrbach offered Senate Resolution No. 149, regarding Janet K. Harris, New Franklin, which was adopted.

Senator Gibbons offered Senate Resolution No. 150, regarding Dr. John R. Oldani, St. Louis, which was adopted.

Senator Kinder offered the following resolution:

SENATE RESOLUTION NO. 151

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Twenty-Seventh District of the twenty-four hour notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-First General Assembly, First Regular Session, that Senate Rule 25 be amended to read as follows:

"Rule 25. The president pro tem of the senate shall appoint the following standing and statutory committees:

1. Committee on Administration, 5 members.
2. Committee on Aging, Families and Mental Health, 9 members.
3. Committee on Agriculture, Conservation, Parks and Tourism, 9 members.
4. Committee on Appropriations, 13 members.
5. Committee on Civil and Criminal Jurisprudence, 9 members.
6. Committee on Commerce and Environment, 9 members.
7. Committee on Education, 11 members.
8. Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, 9 members.
9. Committee on Gubernatorial Appointments, [7] 9 members.
10. Committee on Insurance and Housing, 9 members.
11. Committee on Interstate Cooperation, 5 members.
12. Committee on Judiciary, 7 members.
13. Committee on Labor and Industrial Relations, 7 members.
14. Committee on Local Government and Economic Development, 9 members.
15. Committee on Legislative Research (statutory), 10 members.

16. Committee on Pensions and General Laws, 9 members.
17. Committee on Public Health and Welfare, 7 members.
18. Committee on Rules, Joint Rules, Resolutions and Ethics, 7 members.
19. Committee on State Budget Control, 9 members.
20. Committee on Transportation, 9 members.
21. Committee on Ways and Means, 9 members.

All committees shall have leave to report at any time. The chairman of any standing committee may appoint one or more subcommittees, with the approval of the committee, to hold hearings on bills referred to the committee and shall report its findings to the standing committee.”.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and 1,000 copies ordered printed:

SB 433—By Kinder and Gross.

An Act to repeal section 537.053, RSMo 2000, relating to consumption of intoxicating beverage as proximate cause of injury in tort actions, and to enact in lieu thereof one new section relating to the same subject.

INTRODUCTIONS OF GUESTS

Senator Staples introduced to the Senate, Elizabeth Yates, Ellington.

Senator Gibbons introduced to the Senate, Pamela Williams, Ellington.

On behalf of Senator Kinder and himself, Senator Foster introduced to the Senate, Steve and

Patty Boyer, Poplar Bluff.

Senator Kinder introduced to the Senate, former State Representative Jim Graham, John Singleton and Tom Steska, Fredericktown.

Senator Kinder introduced to the Senate, Ken, Deborah and Ryan Lee; Mike, Mary, Jamie and Mike Billings; Jenny, Dillion, Dakota, Justice and Isaiah Grady; and Jenny and Zachary Steinberg, Homeschoolers from Fredericktown.

Senator Carter introduced to the Senate, former State Representative Rita Days, Jane Wenzel, Sharon Rohrbach, Claire Devoto and Fran Marks, members of the Nurses for Newborn Board and Representative May Scheve.

Senator Sims introduced to the Senate, the Physician of the Day, Dr. Janet S. Rader, M.D., and her son, Nathaniel Markman, St. Louis; and Nathaniel was made an honorary page.

Senator Russell introduced to the Senate, Lisa Schwandt, Carolyn Passmore and Ruth Shidds, Waynesville; and Terri Gillette, Laquey.

Senator Klarich introduced to the Senate, Chris Baker, New Haven.

Senator Rohrbach introduced to the Senate, Phillip Santoli, Jefferson City.

On behalf of Senator Singleton, the President introduced to the Senate, Operating Room Technicians from around the state.

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

SENATE CALENDAR

TWENTY-FIRST DAY—WEDNESDAY, FEBRUARY 7, 2001

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 391-Rohrbach
SB 392-Kenney and DePasco
SB 393-Sims

SB 394-Bentley
SB 395-Carter, et al
SB 396-Schneider

SB 397-Schneider	SB 416-Stoll
SB 398-Rohrbach and Schneider	SB 417-Schneider
SB 400-Kenney, et al	SB 418-Schneider
SB 401-Singleton	SB 419-Sims
SB 402-Jacob and Bland	SB 421-Gross
SB 403-Kenney, et al	SB 422-Steelman
SB 404-DePasco	SB 423-Yeckel
SB 405-Singleton	SB 424-Jacob, et al
SB 406-Westfall	SB 425-Loudon, et al
SB 407-Dougherty	SB 426-Loudon and Bland
SB 408-Dougherty	SB 427-Loudon
SB 409-Dougherty	SB 428-Loudon
SB 410-Dougherty, et al	SB 429-Dougherty and Bentley
SB 411-Dougherty and Sims	SB 430-Dougherty
SB 412-Dougherty	SB 431-Goode and Cauthorn
SB 413-Scott	SB 432-Stoll and Steelman
SB 414-Childers and Stoll	SB 433-Kinder and Gross
SB 415-House	

THIRD READING OF SENATE BILLS

SB 256-Caskey

SENATE BILLS FOR PERFECTION

SB 123-Kinder	SB 14-Mathewson
SB 32-Kinder, with SCA 1	SB 12-Russell
SBs 44 & 59-Bentley, with SCS	SB 128-Childers

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 36-Westfall, et al, with SCS and SA 1 (pending)	SB 86-Rohrbach
SBs 46 & 47-Bentley, with SCS (pending)	

CONSENT CALENDAR

Senate Bills

Reported 2/5

SB 41-Kenney, et al, with
SCS

SB 110-Gross

SB 151-Childers, with SCS

SB 178-Schneider and
Rohrbach, with SCS

SB 13-Russell, with SCS

SB 111-Gross

SB 142-Childers

SB 143-Childers

SB 66-Gibbons, with SCS

SB 87-Rohrbach

SB 25-Johnson

SB 236-Sims, with SCS

SB 58-Stoll

SB 7-Scott

SB 72-Loudon

SB 125-Bentley

SB 197-Johnson, with SCS

Reported 2/6

SB 207-Klarich

SBs 26 & 126-Johnson,
with SCS

RESOLUTIONS

SR 58-Singleton

SR 151-Kinder

Reported from Committee

SCR 3-Gross, et al

SCR 5-Klarich, with SCS

SCR 6-Stoll and Loudon

SCR 8-Caskey

SCR 10-Staples

Requests to Recede or Grant Conference

SS for SCR 2-Singleton,
with HCS

(Senate requests House
recede or grant conference)

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