

Journal of the Senate

SECOND REGULAR SESSION

THIRD DAY—MONDAY, JANUARY 14, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Spirit of the Lord speaks through me, his word is upon my tongue.” (2 Samuel 23:2)

Gracious God, as we begin this new week, let us find reason to give You thanks. For You, O Lord, are worthy of thanksgiving and praise. Sustain us this week by Your loving kindness and give to us each day the knowledge of Your goodness and mercy, so we may reflect in our work the gifts we receive given to others. 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 for Thursday, January 10, 2002, was read and approved.

Photographers from 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

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster

Gibbons	Goode	Gross	House
Jacob	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Staples	Steelman
Stoll	Wiggins	Yeckel—31	

Absent with leave—Senators

Singleton Westfall—2

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Foster offered Senate Resolution No. 886, regarding Beverly S. Piepenbrok, Jackson, which was adopted.

Senator Gross offered Senate Resolution No. 887, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Louis P. Moellenbeck, St. Peters, which was adopted.

Senators Gross and House offered Senate Resolution No. 888, regarding Reverend Richard Joseph Tillman, St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 889, regarding Rich Brooks, St. Peters, which was adopted.

Senators Gross and House offered Senate

Resolution No. 890, regarding Jean Maurice “Mo” Thro, Jr., St. Charles, which was adopted.

Senators Gross and House offered Senate Resolution No. 891, regarding Melvin A. Washington, St. Charles, which was adopted.

Senator Cauthorn offered Senate Resolution No. 892, regarding Reverend Eugene Stueve, Macon, which was adopted.

Senator Kenney offered Senate Resolution No. 893, regarding Paul Bryon Livingston, Lee’s Summit, which was adopted.

Senator Schneider offered Senate Resolution No. 894, regarding Matthew James “Matt” Hieke, Florissant, which was adopted.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 895

WHEREAS, in 1958 at the height of the Cold War and just months after the Soviet Union launched Sputnik, a young American stunned the Soviet audience and the jury at the first *Tchaikovsky International Piano Competition* in Moscow. The nervous jury finally consulted with Premier Khrushchev about giving the prize to an American, rather than to the favored Russian pianist. To his credit, Khrushchev told the jury to give the prize to the best of the contestants, so the world was shocked to hear Van Cliburn of Kilgore, Texas announced the winner. Cliburn returned to a ticker tape parade down New York’s Broadway and went on to a long and brilliant career as concert pianist; and

WHEREAS, four years after his return from Moscow, Van Cliburn helped create the Van Cliburn Foundation with the goal of holding an international piano competition, as does the Olympics, every four years. Today this is the premier international competition and has supplanted the *Tchaikovsky International Competition*, which ceased to exist; and

WHEREAS, this year saw the *Eleventh Van Cliburn International Piano Competition* in Fort Worth, Texas, a competition which began with 137 invited pianists to audition in seven cities around the world. The audition reduced the field to the 30 best from 11 countries, who were invited to Fort Worth for the *Van Cliburn International*; and

WHEREAS, Stanislav Ioudenitch began his life in the Soviet Republic of Uzbekistan, today a separate and free republic, yet his remarkable talent took him eventually to study with Dmitri Bashkirov at the Escuela Superior de Musica Reina Sofia in

Madrid, Spain. From there he went to the prestigious International Piano Foundation in Cadenabbia, Italy—where he studied for two years; and

WHEREAS, Mr. Ioudenitch’s skills were such that, as he continued his studies, he was able to perform with the orchestras of Munich Philharmonic and the Philharmonie der Nationen in Germany, the National Symphony Orchestra in Washington D.C. and his solo recitals have taken him to the former Soviet Union, Finland, Germany, Greece, Italy, and the United Kingdom; and

WHEREAS, during this period, Mr. Ioudenitch competed and won prestigious competitions—on the international scene, the 1990 Maria Callas and the 1994 Kapell Competitions and on the national scene, the 1998 Palm Beach Invitational and the 2000 New Orleans International Competition; and

WHEREAS, Mr. Ioudenitch’s decision to round out his training and to pursue a doctorate, brought him to Missouri, where he enrolled at the University of Missouri-Kansas City’s Conservatory of Music. He chose as his mentor Dr. Robert Weirich who occupies the *Jack Strandberg/Missouri Chair in Piano*. This Chair was created and funded by the Missouri General Assembly and Janet T. Strandberg, wife of the late Jack Strandberg. Its aim, which all Chairs hold, is to attract a world-class teacher and to honor someone in a significant manner; and

WHEREAS, Mr. Ioudenitch, as one of the 137 who auditioned for entry into the *Van Cliburn* competition, was selected by the jury and designated one of the 30 who would be invited to Fort Worth to face the series of elimination hurdles that lead to a Gold Medal. Then he was selected from the 30 to join the 12 semifinalists. As a semifinalist he had to play another recital and then play with the renowned *Takács Quartet*, as did all semifinalists. For his performance with the quartet, he won the *Steven De Grote Memorial Award for the Best Performance of Chamber Music* and was selected one of the six finalists. The six finalists had to play two concerti with the *Fort Worth Symphony Orchestra*; and

WHEREAS, Mr. Stanislav Ioudenitch was awarded the Gold Medal and, for the first time, the jury declared a tie and awarded a Gold Medal as well to Olga Kern of Russia; and

WHEREAS, Mr. Ioudenitch has brought fame to himself, to his home in Uzbekistan, to his teachers, to UMKC’s Conservatory of Music, to the University of Missouri and to the State of Missouri:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate pause in their deliberations to salute Stanislav Ioudenitch on his outstanding accomplishment of winning the *Van Cliburn* competition Gold Medal for 2001, express their congratulations and appreciation for the great honor and international recognition Mr. Ioudenitch has brought to the

University of Missouri-and to the State of Missouri, and extend to Mr. Ioudenitch, his family and many friends very best wishes for many long years continued good health, success and happiness; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for Mr. Stanislav Ioudenitch; Chancellor, Dr. Martha Gilliland, University of Missouri-Kansas City; Dean, Randall Pembroke, University of Missouri-Kansas City; Conservatory of Music; and President, Dr. Manuel T. Pacheco, University of Missouri.

CONCURRENT RESOLUTIONS

Senator Kenney moved that **HCR 1** be taken up for adoption, which motion prevailed.

On motion of Senator Kenney, **HCR 1** was adopted by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Steelman	Stoll	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senators

Bland	Schneider	Singleton	Westfall—4
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Vacancies—1

Senator Kenney moved that **HCR 2** be taken up for adoption, which motion prevailed.

Senator Gibbons assumed the Chair.

On motion of Senator Kenney, **HCR 2** was adopted by the following vote:

YEAS—Senators

Bentley	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder

Klarich	Klindt	Loudon	Mathewson
Quick	Rohrbach	Russell	Sims
Steelman	Stoll	Wiggins	Yeckel—28

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senators

Bland	Schneider	Singleton	Westfall—4
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Vacancies—1

INTRODUCTION OF BILLS

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

SB 920—By Caskey.

An Act to repeal sections 162.1136, 162.1139, 178.160, 178.180, 191.853 and 209.010, RSMo, relating to rehabilitation services for the blind, and to enact in lieu thereof six new sections relating to the same subject.

SB 921—By Sims, Goode, Kennedy, Gibbons, Dougherty, Yeckel and Westfall.

An Act to repeal section 302.302, RSMo, relating to prohibiting the transportation of hazardous loads on the state highway system, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 922—By Sims.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to child protection, with penalty provisions.

SB 923—By Sims.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to foster parent rights and responsibilities.

SB 924—By Sims.

An Act to repeal sections 332.051, 332.071, 332.081, 332.111 and 332.121, RSMo, relating to non-profit-corporations that provide dental

services, with penalty provisions, and to enact in lieu thereof six new sections relating to the same subject.

SB 925—By Sims and Dougherty.

An Act to repeal section 307.178, RSMo, relating to seat belts, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

SB 926—By Kenney, Wiggins, Jacob, Yeckel and Steelman.

An Act to repeal sections 301.550, 301.553, 301.555, 301.557, 301.559, 301.560, 301.561, 301.562, 301.563, 301.564, 301.565, 301.566, 301.568 and 301.573, RSMo, relating to the sale of motor vehicles and vessels, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions.

SB 927—By Jacob and Wiggins.

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

SB 928—By Jacob and Loudon.

An Act to repeal section 144.020, RSMo, and to enact in lieu thereof one new section relating to sales taxes on health and fitness centers.

SB 929—By Stoll.

An Act to repeal sections 194.210, 194.230, 194.233, 194.240, 194.297, 194.300, 194.302, 302.171 and 302.181, RSMo, relating to organ donation and procurement, and to enact in lieu thereof nine new sections relating to the same subject.

SB 930—By Stoll.

An Act to repeal section 302.130, RSMo, relating to drivers license permits, and to enact in lieu thereof one new section relating to the same subject.

SB 931—By Klarich.

An Act to repeal sections 347.143, 351.055, 351.182, 351.385, 351.400 and 351.455, RSMo, relating to business organizations, and to enact in lieu thereof nine new sections relating to the same subject.

CONCURRENT RESOLUTIONS

Senator Stoll offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 35

WHEREAS, under the Balanced Budget Act of 1997, Congress mandated that ambulance services be placed on a fee schedule for Medicare reimbursement; and

WHEREAS, to develop the fee schedule, Congress required that a Negotiated Rulemaking Committee be convened to establish certain policies of the fee schedule and implementation of the rule establishing this fee schedule is planned for April of 2002; and

WHEREAS, the fee schedule is based on four-year old cost data, and additionally, Medicare will only pay 80% of the lesser amount of either the actual charge from the ambulance provider or the Fee Schedule Amount and the patient will be responsible for the remaining 20%;

WHEREAS, Ambulance services will no longer be able to bill the patient any amount beyond the 20% coinsurance and any unmet deductible, then ambulance services will have to absorb any cost over and above the fee schedule amount; and

WHEREAS, by requiring the Medicare schedule to be accepted as total payment, providers (including hospitals, public utility model systems and private operators) who have had low Medicare allowable charges will not be able to balance-bill the patients for the difference and the burden will be on the ambulance service to shoulder the reimbursement that is below today's costs or stop providing service, and the Schedule requires reimbursement at a basic life support rate for some procedures that are considered to be advanced life support measures; and

WHEREAS, although national practice standards and state training requirements mandate that some procedures be performed by paramedics, the Medicare program will only pay for the service at the basic, EMT rate, thus, ambulance services will have to further supplement the cost of services by paying the higher paramedic salary for services that will be reimbursed at the lower EMT allowable cost, or discontinue offering the higher level of emergency care; and

WHEREAS, the revised fee takes effect immediately in April, 2002, and the federal Centers for Medicare and Medicaid Services

will not allow a transition period for providers who in the past have billed runs at the paramedic (advanced life support) level on every call because of local ordinances that require advanced life support on every call; and

WHEREAS, local communities will have to decide if they are going to continue to require services to provide the advanced life support level of care, and since Medicare is reducing support for this higher level of care, communities may have to downgrade to a basic life support, thereby decreasing the level of emergency care available to Missourians:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-First General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge Congress to redesign the ambulance fee schedule for Medicare reimbursement to take into consideration current actual cost data and support of advanced life support emergency medical services because without these considerations, Missourians cannot be assured that they will receive the level of medical services they need in times of a medical emergency; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Congressional delegation.

SECOND READING OF SENATE BILLS

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

SB 682—Local Government and Economic Development.

SB 683—Local Government and Economic Development.

SB 684—Aging, Families and Mental Health.

SB 685—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 686—Judiciary.

SB 687—Aging, Families and Mental Health.

SB 688—Ways and Means.

SB 689—Judiciary.

SB 690—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 691—Ways and Means.

SB 692—Education.

SB 693—Aging, Families and Mental Health.

SB 694—Aging, Families and Mental Health.

SB 695—Aging, Families and Mental Health.

SB 696—Appropriations.

SB 697—Education.

SB 698—Judiciary.

SB 699—Ways and Means.

SB 700—Pensions and General Laws.

SB 701—Transportation.

SB 702—Aging, Families and Mental Health.

SB 703—Transportation.

SB 704—Civil and Criminal Jurisprudence.

SB 705—Labor and Industrial Relations.

SB 706—Judiciary.

SB 707—Labor and Industrial Relations.

SB 708—Commerce and Environment.

SB 709—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 710—Transportation.

SB 711—Local Government and Economic Development.

SB 712—Public Health and Welfare.

SB 713—Labor and Industrial Relations.

SB 714—Public Health and Welfare.

SB 715—Commerce and Environment.

SB 716—Ways and Means.

SB 717—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 718—Education.

SB 719—Education.

SB 720—Civil and Criminal Jurisprudence.

SB 721—Transportation.

SB 722—Education.

SB 723—Agriculture, Conservation, Parks and Tourism.

SB 724—Aging, Families and Mental Health.

SB 725—Local Government and Economic Development.

SB 726—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 727—Transportation.

SB 728—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 729—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 730—Insurance and Housing.

SB 731—Judiciary.

SB 732—Aging, Families and Mental Health.

SB 733—Ways and Means.

SB 734—Ways and Means.

SB 735—Ways and Means.

SB 736—Aging, Families and Mental Health.

SB 737—Transportation.

SB 738—Transportation.

SB 739—Interstate Cooperation.

SB 740—Aging, Families and Mental Health.

SB 741—Public Health and Welfare.

SB 896—Financial and Governmental Organization, Veterans' Affairs and Elections.

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 Speaker has appointed the following committee to act with a like committee from the Senate pursuant to **HCR 1**. Representatives: Carnahan, Harlan, Johnson (61), Mays (50), Monaco, Whorton, Gaskill, Marble, Bartelsmeyer and Levin.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following committee to escort Lieutenant Governor Joe Maxwell and members of the Senate to the House Chamber: Representatives: Barnitz, Curls, Daus, Harding, Gratz, Liese, Hendrickson, Naeger, Reid and Barnett.

INTRODUCTIONS OF GUESTS

The President introduced to the Senate, Nikki Patton, Kentucky.

Senator Foster introduced to the Senate, his daughter, Karmen Foster, Poplar Bluff.

Senator Kinder introduced to the Senate, Dr. Gene MacDonald, O.D., New Hamburg; Dr. Jim Tom Hall, O.D., Cape Girardeau; and a group of optometrists from around the state.

Senator Cauthorn introduced to the Senate, Travis Hitchok, Mexico.

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

SENATE CALENDAR

FOURTH DAY—TUESDAY, JANUARY 15, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 742-Caskey	SB 772-Goode
SB 743-Caskey	SB 773-Goode
SB 744-Caskey	SB 774-Goode, et al
SB 745-Russell	SB 775-House and Loudon
SB 746-Russell and Kinder	SB 776-House
SB 747-Russell	SB 777-Yeckel
SB 748-Goode	SB 778-Yeckel
SB 749-Goode	SB 779-Yeckel
SB 750-Goode and Rohrbach	SB 780-Bland
SB 751-Singleton	SB 781-Bland
SB 752-House	SB 782-Bland
SB 753-House	SB 783-Steelman
SB 754-House	SB 784-Russell
SB 755-Westfall	SB 785-Goode and
SB 756-Westfall	Dougherty
SB 757-Westfall	SB 786-Goode
SB 758-Bentley	SB 787-Yeckel
SB 759-Yeckel and	SB 788-Yeckel and Gibbons
Singleton	SB 789-Bland
SB 760-Yeckel	SB 790-Bland
SB 761-Yeckel	SB 791-Bland
SB 762-Bland	SB 792-Bland
SB 763-Bland	SB 793-Bland
SB 764-Bland	SB 794-Bland
SB 765-Steelman	SB 795-Schneider
SB 766-Steelman	SB 796-Mathewson
SB 767-Steelman	SB 797-Westfall
SB 768-Wiggins	SB 798-Westfall
SB 769-Russell	SB 799-Westfall and
SB 770-Russell	Wiggins
SB 771-Russell	SB 800-DePasco

SB 801-DePasco
SB 802-DePasco
SB 803-Dougherty and
Singleton
SB 804-DePasco
SB 805-DePasco
SB 806-Caskey
SB 807-Klarich
SB 808-Gross
SB 809-Gross
SB 810-Dougherty
SB 811-Dougherty and Bentley
SB 812-Russell
SB 813-Mathewson
SB 814-Childers
SB 815-Childers
SB 816-Gross
SB 817-Gross
SB 818-Westfall
SB 819-Bentley
SB 820-Bentley
SB 821-Dougherty and
Gross
SB 822-Dougherty
SB 823-Cauthorn and Gross
SB 824-Cauthorn and
Yeckel
SB 825-Schneider
SB 826-Gross
SB 827-Dougherty, et al
SB 828-Dougherty
SB 829-Dougherty
SB 830-House, et al
SB 831-Loudon and Kennedy
SB 832-Schneider
SB 833-Schneider
SB 834-Sims
SB 835-Bland
SB 836-Gross and
Dougherty
SB 837-Cauthorn
SB 838-Caskey
SB 839-Goode, et al
SB 840-Gross and Russell
SB 841-Klarich
SB 842-Klarich
SB 843-Stoll
SB 844-Loudon
SB 845-Russell
SB 848-Singleton
SB 849-DePasco and
Kennedy
SB 850-House
SB 851-Westfall
SB 852-Bland
SB 853-Stoll
SB 854-Gross
SB 855-Caskey
SB 856-Russell
SB 857-Dougherty
SB 858-Dougherty and
Kennedy
SB 859-Russell
SB 860-Rohrbach
SB 861-Rohrbach
SB 862-DePasco
SB 863-Gross
SB 864-Gross and House
SB 865-Foster and Kinder
SB 866-Cauthorn
SB 867-Cauthorn
SB 868-Cauthorn
SB 869-Cauthorn
SB 870-Goode
SB 871-Dougherty
SB 872-Dougherty and
Goode
SB 873-House and Gross
SB 874-Bentley
SB 875-Gross

SB 876-Sims	SB 911-Foster, et al
SB 877-Sims	SB 912-Mathewson
SB 878-Sims	SB 913-Rohrbach
SB 879-Steelman	SB 914-Jacob
SB 880-Steelman	SB 915-Westfall, et al
SB 881-Steelman and Yeckel	SB 916-Dougherty, et al
SB 882-Sims	SB 917-Dougherty and Sims
SB 883-DePasco	SB 918-Klarich
SB 884-DePasco	SB 919-Klarich
SB 885-Bentley	SB 920-Caskey
SB 886-Bentley and Stoll	SB 921-Sims, et al
SB 887-Sims	SB 922-Sims
SB 888-Gross	SB 923-Sims
SB 889-Dougherty	SB 924-Sims
SB 890-Kenney	SB 925-Sims and Dougherty
SB 891-Kenney	SB 926-Kenney, et al
SB 892-Kenney	SB 927-Jacob and Wiggins
SB 893-Rohrbach	SB 928-Jacob and Loudon
SB 894-Kinder	SB 929-Stoll
SB 895-Yeckel and Gross	SB 930-Stoll
SB 897-Dougherty, et al	SB 931-Klarich
SB 898-Dougherty, et al	SJR 22-Schneider
SB 899-Dougherty and Kennedy	SJR 23-Singleton
SB 900-Goode, et al	SJR 24-Johnson
SB 901-Goode, et al	SJR 25-Klarich and Gibbons
SB 902-Goode, et al	SJR 26-Klarich and Cauthorn
SB 903-Klindt	SJR 27-Yeckel
SB 904-Klindt	SJR 28-Bland
SB 905-Klindt	SJR 30-Cauthorn
SB 906-House	SJR 31-Gross
SB 907-House	SJR 32-House
SB 908-Gibbons	
SB 909-Gibbons	
SB 910-Gibbons	

RESOLUTIONS

SR 879-Jacob	SR 881-Schneider
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To be Referred

SCR 35-Stoll

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