

# Journal of the Senate

SECOND REGULAR SESSION

FOURTH DAY—TUESDAY, JANUARY 15, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“You must diligently observe everything that I command you, do not add to it or take anything from it.” (Deuteronomy 12:32)

Gracious God, help us to see that Your law does not need to be redone nor Your plan for the earth; but help us discern the bills that we deliberate may be able to help others be aware of proper living and assist in bringing life in concert with Your will. In Your 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.

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	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

## COMMITTEE APPOINTMENTS

President Pro Tem Kinder submitted the following committee appointment, pursuant to **HCR 1**: Senators Gibbons, House, Jacob, Kennedy, Klarich, Klindt, Schneider, Steelman, Wiggins and Yeckel.

Senator Kenney moved that the Senate recess to repair to the House of Representatives to receive a message from the Chief Justice of the Supreme Court, the Honorable Stephen N. Limbaugh, Jr., which motion prevailed.

## JOINT SESSION

The Joint Session was called to order by President Maxwell.

On roll call the following Senators were present:

Present—Senators

Bentley	Bland	Caskey	Cauthorn	Villa	Vogel	Wagner	Walton
Childers	DePasco	Dougherty	Foster	Ward Whorton	Williams	Willoughby	
Gibbons	Goode	Gross	House	Wilson (25)	Wilson (42)	Wright	Mr. Speaker—140
Jacob	Johnson	Kennedy	Kenney	Absent and Absent with Leave—Representatives			
Kinder	Klarich	Klindt	Loudon	Baker	Bartelsmeyer	Burcham	Burton
Mathewson	Quick	Rohrbach	Russell	Byrd Franklin	Gambaro	Gaskill	
Schneider	Sims	Staples	Steelman	Hollingsworth	Hosmer	Lograsso	Mays (50)
Stoll	Westfall	Wiggins	Yeckel—32	Murphy	Purgason	Reynolds	Ridgeway
				Secrest	Shoemyer	Thompson	Troupe—20

Absent—Senator Singleton—1

Absent with leave—Senators—None

Vacancies—1

On roll call the following Representatives were present:

Present—Representatives

Abel	Ballard	Barnett	Barnitz
Barry (100)	Bartle	Bearden	Behnen
Berkowitz	Berkstresser	Black	Bland
Boatright	Bonner	Boucher	Bowman
Boykins	Bray (84)	Britt	Brooks
Campbell	Carnahan	Champion	Cierpiot
Clayton	Cooper	Copenhaver	Crawford
Crowell	Crump	Cunningham	Curls
Daus	Davis	Dempsey	Dolan
Enz	Fares	Farnen	Foley
Fraser	Froelker	George	Graham
Gratz	Green (15)	Green (73)	Griesheimer
Hagan-Harrell	Hampton	Hanaway	Harding
Harlan	Hartzler	Haywood	Hegeman
Henderson	Hendrickson	Hickey	Hilgemann
Hohulin	Holand	Holt	Hoppe
Hunter	Jetton	Johnson (61)	Johnson (90)
Jolly	Kelley (47)	Kelly (144)	Kelly (27)
Kelly (36)	King	Koller	Lawson
Legan	Levin	Liese	Linton
Long	Lowe	Luetkemeyer	Luetkenhaus
Marble	Marsh	May (149)	Mayer
McKenna	Merideth	Miller	Monaco
Moore	Myers	Naeger	Nordwald
O'Connor	Ostmann	O'Toole	Overschmidt
Phillips	Portwood	Quinn	Ransdall
Rector	Reid	Reinhart	Relford
Richardson	Rizzo	Roark	Robirds
Ross	Scheve	Schwab	Scott
Seigfreid	Selby	Shelton	Shields
Shoemaker	Skaggs	Smith	St. Onge
Surface	Townley	Treadway	VanZandt

Vacancies—3

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, Stephen N. Limbaugh, Jr., escorted the Chief Justice to the dais where he delivered the State of the Judiciary Address to the Joint Assembly:

The State of the Judiciary  
Address of Chief Justice Stephen N. Limbaugh, Jr.  
to the  
91st General Assembly, Second Regular Session  
January 15, 2002

President Maxwell, Speaker Kreider, distinguished members of the Senate and House of Representatives. My office in the beautiful red brick building across the street is adorned with photographs and wall hangings and tables full of mementos and newspaper clippings and all sorts of personal reminders of my family and my career and my many blessings. Prominently displayed on one wall is a framed copy of the collection of photographs of each of the members of the House of Representatives who served in the 56th General Assembly some 70 years ago in 1931 and 1932. The original of the collection hangs on the fourth floor of this building, and my copy is one of the items in my office that I cherish most. You see, one of the photographs depicts my grandfather, the original "Rush Limbaugh," who passed away just six years ago at age 104.

My grandfather served only one term. He didn't run for reelection. He said he couldn't afford it! But he looked back on those two short years with immense pride. While here, he co-sponsored the bill that created the Missouri State Highway Patrol and another bill that consolidated many dozens of tiny rural public school districts like that which operated the one-room school he attended as a child. And as a lawyer-legislator, he was one of three members of the House selected to prosecute the impeachment trial of the state treasurer for misdeeds in office. Although my grandfather served only one term, he always regarded the honor of serving as a member of the House of Representatives to be one of

the highlights of his long career and, indeed, one of the highlights of his long life.

I learned about the honor of service, the honor of public service, first from my grandfather, then from my father, who is a senior United States District Judge. Having served on the bench myself for nearly 15 years, first as a circuit judge and now as a judge on the Supreme Court, I appreciate more than ever the honor of my office and the responsibilities that go with it.

The honor of serving the public is the theme of my presentation on the state of the judiciary. Those who serve as judges, like those who serve in the General Assembly, must do so for the honor of serving the public. In my mind, the best account of the state of the judiciary is to show how our judiciary lives up to that honor. To that end, and on behalf of our judges at every level of the judiciary, I invite you to our courthouses, so that you may see first hand the administration of justice in this state. A visit to our courthouses, for you legislators who may be concerned about the doctrine of separation of powers, is no breach of protocol. To be sure, our forefathers built into our system of government a healthy tension between the three branches of government, but that tension should not preclude a healthy interaction between the three branches of government.

This very afternoon, we will hear oral arguments in the Supreme Court. You are invited. There are two cases on the docket, and they are representative of our usual fare in the sense that they are cases that present the novel and difficult and complex legal issues of the day. The first case is *State of Missouri v. Planned Parenthood and The Director of the Missouri Department of Health*, which deals with the constitutionality of and eligibility for family planning appropriations related to abortion services. The second case is *State of Missouri v. Andre Cole*, the direct appeal of a death sentence. If you cannot attend in person, you may tune in on the Internet.

Should you favor us with a visit, you will see the members of the Court engage in a vibrant, if sometimes esoteric, dialogue with the lawyers representing their clients. You will see the difficulty and complexity of the issues raised by the parties. You will see how we members of the Court struggle with those issues in an effort to follow the law as written in our constitution and the statutes you enact. And it is our hope that you will understand that the resolution of the cases depends not on our personal preferences, or even on our personal notion of the equities involved, but on our abiding oath to follow the law as written in our constitution and the statutes you enact.

This afternoon will be the last time our colleague, Judge John Holstein, sits with the Court, as he has announced his retirement after 27 years on the bench. Judge Holstein is the only judge in the history of the state to have served at every level of the judiciary — as magistrate/probate judge, associate circuit judge, circuit judge,

judge of the court of appeals, and for the last 12 years, judge of the Supreme Court. As a consequence of his wealth of experience, he brought to the Supreme Court a special insight on so many difficult legal issues, not only those involving the processing and trial of cases, but those involving the substance of the law as well. Without fail, he served with honor and dignity, and with an unswerving commitment to our system of justice. We will miss him, and we wish him well as he returns to private practice.

Judge Holstein, would you stand to be recognized.

Though the difficult and weighty legal issues of the day are addressed in the Supreme Court, it is even more important that you visit the county courthouses throughout the state where every day, in hundreds of cases, justice is meted out person to person, face to face. The judges there will welcome you.

The decision-making process in the trial courts is different than that in the appellate courts. In general, appellate courts address only issues involving the application of the law, and they defer to the factual determinations made in the trial courts by judges and juries that have had the benefit of seeing the witnesses and hearing their testimony in person. Those of you who have served on juries know the difficulty and frustration of sorting out conflicting testimony, of determining whether seemingly believable witnesses are telling the truth, fabricating falsehoods, or perhaps simply mistaken. Trial judges sort out that testimony for a living, presiding over the great majority of cases that are tried without a jury. But that is only part of the job. After the factual determinations of a case are made, it is necessary to fashion a proper resolution. It is a hard thing to sit in judgment on another person, whether in the imposition of sentence in a criminal case, or the assessment of damages in a civil case, or the determination of custody and support in a dissolution case. The resolution of such cases requires more than the mere application of the law to the facts, the resolution requires the exercise of sound discretion.

When you visit your county courthouse, go first to the criminal courts. There you will find judges striving to maintain the balance between society's need for vigorous prosecution of criminal offenders and the equally important need to ensure to those who are accused of criminal offenses the fundamental and inalienable rights associated with the presentation of their defense. The vast majority of cases are disposed by pleas of guilty without a trial, and, as I mentioned, most of the cases that go to trial are tried without a jury. In all those criminal cases, the judge must exercise his or her sound discretion in imposing punishment. You will see some cases that call for righteous indignation and a severe sentence, and other cases that call for a measure of compassion and a chance for redemption on probation. You will see that the saving of souls is a large part of the judge's work, and that for each judge, the dispositions in criminal cases are ultimately matters of conscience.

Allow me to offer two examples from my own experience that are representative of the kinds of cases on the dockets of the criminal courts. As a circuit judge, I heard only one death penalty case. Under the law, the range of punishment in those cases is simply death, or life imprisonment without parole. Like all death penalty cases, the crime in this case was horrendous. It involved an execution-style murder. The victim was bound up and shot in the back of the head. And so the prosecutor justifiably argued that the death penalty should be imposed. Defense counsel argued for a life sentence because the defendant did not have a significant history of criminal offenses, and the defendant, himself, was genuine in expressing remorse for his conduct and sympathy for his victim. In addition, he had pled guilty instead of going to trial. Unlike most of the defendants we see in capital cases, this man seemed salvageable, and I sentenced him to life in prison without parole.

The other case involved a defendant charged with felony child abuse. She was the mother of the child in question. The young child had been beaten and sexually abused. During the plea of guilty, it became clear that although a boyfriend was the actual perpetrator, the defendant, who had not been in any danger herself, knew of the abuse and allowed it to go on. Evidence also was developed, as is often the case, that the defendant had been the victim of similar abuse during her own upbringing. The discretionary call to be made was how best to cut the generational cycle of abuse — to send the defendant to prison so that she would understand the consequences of her acts and be deterred from those acts in the future, or to try to rehabilitate her by placing her on probation with conditions that she undergo counseling and therapeutic treatment and courses on parenting skills. I learned, however, that on more than one occasion before the offense occurred, the defendant had been reported to the Division of Family Services and that earlier efforts to rehabilitate her obviously had failed. In that case, I sent the defendant to prison.

As I said, these are the kinds of cases that confront our judges every day. There are hard cases, and it is not unusual for us to second-guess the wisdom of our decisions. Was the punishment too harsh? Was it not harsh enough? Have we lived up to the honor of our office by doing justice in the case?

On your visit to the courthouse, I also would direct you to the courtrooms in which our judges hear domestic cases — dissolutions, motions to modify custody and support, cases involving emergency orders of protection, and the like. In the cities and the larger outstate circuits, domestic cases are heard in statutory family courts, presided over by judges who have special training in that area of the law. The common experience of judges who hear domestic cases is that all too often they see people at their worst, people who are ordinarily good and decent folks, but whose lives are in turmoil and trauma because of the breakup of a marriage or a battle over custody of their children. In many cases, it is no small chore for judges to divide the marital property, but that chore is nothing compared to

the obligation to divide up the kids. It should be no wonder to you that the rate of attrition for judges working in the family courts is very high, and most judges transfer to the criminal or civil courts after two or three years. Except for a few saintly types like my friends Judge Tom Frawley in St. Louis City and Judge Susan Block in St. Louis County, burn out is unavoidable. Our sense of empathy for the parties to those cases — the anguish that we feel for both the parents and the children — can, after a time, be difficult to bear.

To draw on my own experience once again, I remember the visit to my court by my then state representative, and your longtime colleague, Mary Kasten. Undoubtedly, you remember that she was actively involved in issues pertaining to children and families, and on the day of her visit, I was hearing a child custody case. At the request of counsel for both sides, I agreed to conduct a closed-door examination of the child who, as I recall, was 8 or 9 years old. Although the arrangement was that neither the parents nor the lawyers would be present, everyone agreed that Representative Kasten, who as you know has always been a soothing influence, could sit in with me.

I took the child to the jury room, and my court reporter and I sat with him at the conference table while Representative Kasten sat off to the side. I began with gentle questions designed to impress upon the child the importance of telling the truth and to assure the child that I was there solely to look out after his best interest. After I spent some time with questions about his school and his outside activities and his friends, I got around to the tough part. The exchange was something like this:

Do you love your mom? Yes.

Do you love your dad? Yes.

Do you like to be with your mom? Yes.

Do you like to be with your dad? Yes.

If you can't be with both of them, would you be happier with your mom or with your dad? I want to be with both of them and I want them to be together.

I don't remember how I decided this case, but as you can see, there was no good solution available. In any event, Mary Kasten went away with the kind of understanding of the work of the courts that I wish all of you could have.

That said, whatever you learn from your trip to the courthouse still will not give you a full picture of the obligation of judges. Our judges know full well that the effort to live up to the honor of their office must not stop at the courthouse door and that the honor of their office means more than the competent and professional processing of cases. In that regard, our judges statewide donate their time and talents to a host of activities that pertain to the improvement of the administration of justice as a whole. Some judges serve on our continuing education committees that provide

essential training not only for judges, but also for court clerks, court reporters and juvenile officers. Most courses are taught by the judges, themselves, some of whom have become master teachers. Other judges, like Judge Robert Dierker of St. Louis, contribute with their writing skills. For instance, Judge Dierker has been instrumental in the preparation and publication of our scholarly and immensely practical Trial Judges Bench Books, and he recently published an invaluable treatise on the practice of criminal law in Missouri.

My immediate predecessor as chief justice, Judge Ray Price, chairs the Drug Court Commission, and serves with several other judges, legislators and executive branch officials. Certainly the work of that Commission, which is to make available alternatives to incarceration for non-violent drug offenders, is critically important in these times where there is no money to open new prisons, even those that are already built.

In addition, Judge Richard Teitelman of the Court of Appeals in St. Louis, who is sight-impaired, chairs the Supreme Court's Ad Hoc Committee on the Courts and the Disabled. He serves with several other interested members of the judiciary, as well as with a number of lay persons and with Representative Chuck Graham who has provided his valuable insight and assistance. The Committee is undertaking a survey of our courtrooms and the practices in our courts so that we can ensure that reasonable accommodations are provided to persons with disabilities. We judges want to convey the message that equal access to justice necessarily means equal access to the courthouse.

Indeed, there is a wide variety of administrative committees, and the list of judges who volunteer for the work of those committees is extensive. We have committees that address issues ranging from the review and promulgation of jury instructions in both civil and criminal cases, to forms and procedures for judicial record keeping, to the administration of examinations for our certified court reporters, to mention just a few.

One administrative committee that merits particular attention is the statutorily created Missouri Court Automation Committee. The Committee is composed not only of judges, but also of court clerks and legislators, and the primary purpose, as you know, is to provide a uniform, statewide computerization system that gives courts greater capacity to manage dockets while allowing instant access to all public court records. Senators Jacob and Klindt, and Representatives Carnahan and Crowell, serve as the legislative members of the committee and are becoming well versed on the issues. The project is half-complete, and the need has never been greater, especially from the standpoint of law enforcement and public safety.

A case in point occurred three years ago when a Missouri State Highway Patrol trooper was shot and killed while making an arrest.

The arrestee was wanted on felony warrants from another Missouri county, but the trooper had no idea of the need for extra caution because of the delay in manual transmission of the warrant information from the court to the Highway Patrol. One feature of court automation on the immediate horizon is the near real-time transmission of warrant information and adult protection orders to the Highway Patrol for statewide access by law enforcement agencies. It is a feature that may well save lives.

The extracurricular work of our judges is by no means limited to the work of our administrative committees. In that connection, I must admit that I have long looked forward to the opportunity to showcase the selfless public service performed by so many of our judges.

Consider the example of my friend Jack Garrett who is presiding judge of the 37<sup>th</sup> Circuit in southern Missouri. For about 5 years running, Judge Garrett and his chief juvenile officer have sponsored an annual conflict resolution task force for teenagers. They target 7<sup>th</sup> grade students in each of the circuit's 19 school districts. With the assistance of college students from SMSU, they conduct small group seminars to address issues such as bullying, school violence and substance abuse. In addition, Judge Garrett sponsors an annual mediation camp and workshop for students in grades 6 through 8, training those students to develop and implement peer-mediation panels in their schools.

In Kansas City, our family court judges have implemented a truancy diversion program in which several judges, led by Judge Steve Nixon and Judge Marco Roldan, meet with "at risk" children and their parents or parent once each week at 7:30 a.m. The judges discuss not only the truancy problem, but also other family needs that may be contributing to the problem, including the child's safety and well-being and parental accountability for the child's needs. Last summer, Judge Nixon took the children he is working with to a Royals baseball game. Judge Roldan has found his Hispanic roots to be of value in working with the families at the McCoy Elementary School where English is a second language.

The truancy diversion program originated in St. Louis City and County where it continues to flourish. The two saintly judges I mentioned earlier, Tom Frawley in the City and Susan Block in the County, are the chief administrative judges of their respective family courts. In that capacity, they have assembled teams of judges and an occasional lawyer who make weekly visits to troubled children in the city and county school districts.

Circuit Judge Joan Burger, who sits in a criminal division of the Circuit Court of St. Louis City, is one of the volunteers for the truancy program. Several weeks ago she authored an article published in the St. Louis Post-Dispatch describing the program, and I have taken the liberty of sending a copy of that article to each one of you. She wrote that "My motivation is simply this: 85 percent

of the people in prison are high school dropouts. I thought that if I can keep them in school, then maybe I won't have to send them to prison." I ask that you read about the details of the program yourselves, but I'll share Judge Burger's conclusion: "In most cases, attendance improves immediately. All the words and threats and tears of parents, teachers and counselors haven't worked, but the authority of the judge and the frequent court dates turn these kids around." Despite that conclusion, progress is often made in small steps. According to Judge Burger, "One child was doing poorly in history, so I gave him an assignment of going to the library and bringing a history book to court. He brought me [a book on] the history of skateboarding!"

I also want to mention another St. Louis City judge, Judge Henry Autrey, a former prosecutor, who serves in a number of other ways. He speaks to various groups on the issue of child abuse prevention. He also participates in reading exercises and tutoring programs for young children at city schools. But his most personally fulfilling service is playing the role of Santa Claus for the elderly residents at a local nursing home. According to Judge Autrey, "We forget the sacrifices they made and the hard work they endured so that we could achieve our personal successes."

And then there is my new colleague on the Supreme Court, Judge Laura Stith, who, despite her appointment to this Court, continues her service as a charter member of a Kansas City organization called LEAP, Lawyers Encouraging Academic Performance. For two or three hours every week, Judge Stith and several other judges take one or two grade school girls each, girls who are from the inner city, from needy families, and some from homeless families, and they buy their school supplies, tutor them, mentor them, and help them through school.

I apologize for having spent too much time dwelling on the challenges and difficulties and the sacrifices of judicial service. We judges are honored to serve. That honor comes first and foremost from the fact that we are the ones entrusted to resolve the challenging and difficult cases of the day. When we are able to resolve those cases with competence, professionalism, impartiality and dispatch — indeed when we resolve those cases with justice — our jobs are fulfilling and rewarding beyond measure.

It must be said, too, that not all of our cases pose challenges and difficulties, but the honor of serving is present nonetheless. As a trial judge, among my favorite cases were adoption cases, which I handled for two or three years as part of my duties as a judge of the juvenile court. I held juvenile court on Fridays, and I heard adoption cases on the first Friday of each month, except in December, when I saved all the adoption cases for the Friday before Christmas. Adoption cases fall into several categories, the adoption of children from unwanted pregnancies, the adoption of children of parents whose parental rights were terminated for abuse or neglect, step-parent adoptions, and international adoptions of orphaned

children who are given hope for a bright future in the United States. Unlike other cases where all too often we see people at their worst and the conflicts presented seem irreconcilable and the solutions we have to offer are less than satisfactory, in adoption cases we see people at their best, and the only complications are those in tying up the legal loose ends to ensure that the adoptive child will have the blessing of a safe home and loving family.

At the conclusion of one of the first adoption cases I heard, a remarkable thing happened. As I pronounced judgment, the lawyer representing the adoptive family asked leave to approach the bench. Instinctively, I thought there must be a problem. But the lawyer came up to me and whispered, "Judge, would you mind having your picture taken with the new family?" And so I came down off the bench in my black robe, and I took the young child in my arms flanked by the two proud parents with tears in their eyes, and the guardian ad litem, not about to miss out on the action, snapped picture after picture. And we all rejoiced!

Now that is an honor! From that day forward, lawyers in my adoption cases didn't have to ask if I would mind having my picture taken with the new family, I insisted!

In conclusion, I wish that each of you could experience the great honor to serve as judge of this state, but I am sure that my grandfather had it right — that each of you feels the same way about the great honor you have of serving in the legislature.

As you progress with the session, I ask that you take fair account of the needs of the judiciary.

And finally, for all the good work you will do for the citizens of this state, I bid you Godspeed.

Thank you.

On motion of Senator Kenney, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Klarich.

## RESOLUTIONS

Senator Mathewson offered Senate Resolution No. 896, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. N. Harold Anders, Sedalia, which was adopted.

Senators Schneider, Wiggins, Staples and Kenney offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 897

WHEREAS, the members of the Missouri Senate take great pride in acknowledging the accomplishments of athletes who have brought tremendous honor and glory to this state through the exemplary manner in which they conducted their chosen endeavors as professionals and the continuing efforts they have provided to their community and neighborhoods during retirement; and

WHEREAS, Osborne Earl "Ozzie" Smith will be inducted into the Baseball Hall of Fame in Cooperstown, New York, on July 28, 2002, after a phenomenal National League career which spanned the years from 1978 to 1996 and included the San Diego Padres and St. Louis Cardinals teams; and

WHEREAS, weighing in at just 150 pounds, Ozzie Smith was known for joyful back flips, gymnastic catches, and an ability to dig deep into his abilities to pull off magical offensive plays at just the right moments, including his opening day three-run homer against Pittsburgh on April 13, 1984; his first major league left-handed homer after 3,009 career at-bats during a game in 1985 against the Dodgers; and his five hits and six RBIs against the Cubs on June 17, 1993; and

WHEREAS, nationally acclaimed as "The Wizard", Ozzie Smith retired in 1996 after starting in twelve All-Star games and garnering three World Series appearances, thirteen consecutive Gold Gloves, a .262 Career Batting Average and 2,460 hits, and a .978 Career Fielding Percentage; and

WHEREAS, recognizing his unique ability to be a positive influence on his community as well as in the game of baseball, Ozzie Smith formed the Ozzie Smith Foundation in 1986 to donate money to charities, sold autographs in 1993 to raise money for flood relief victims, established the Ozzie Smith Sports Academy to offer youth clinics in baseball, softball, and soccer, and supported the work and ideals of Athletes Against Drugs, the Red Cross, Multiple Sclerosis Society, and March of Dimes organizations:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to applaud the well-deserved selection of Ozzie Smith for the Cooperstown Baseball Hall of Fame and to convey to him this legislative body's heartiest congratulations and our best wishes for continued personal and philanthropic 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 for Osborne Earl "Ozzie" Smith, upon his induction into the Baseball Hall of Fame in Cooperstown, New York.

Senator Wiggins offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 898

WHEREAS, it is with heavy hearts that the members of the Missouri Senate pause to acknowledge the significant achievements of a life gone by, that of Catherine A. "Cathy" Hynes, who passed to her eternal reward on January 12, 2002; and

WHEREAS, Cathy Hynes came into this world in Long Beach, California, on June 26, 1958, as the tiny infant daughter born to proud and loving parents Kenneth T. and Maureen C. Sadowski, who welcomed her into their hearts as a precious gift from God; and

WHEREAS, Cathy Hynes received her education at Rolling Meadows High School in Rolling Meadows, Illinois, and went on to receive her degree from Benedictine College in Atchison, Kansas, in 1980; and

WHEREAS, a devout member of St. Elizabeth Catholic Church, Cathy Hynes enjoyed an incredible career as a systems analyst of the Federal Reserve Bank in Kansas City, with which she had been associated for more than twenty years; and

WHEREAS, a devoted wife, beloved daughter, and proud mother, Cathy Hynes touched the lives of countless individuals and served as a constant source of inspiration to all; and

WHEREAS, Catherine Hynes leaves behind to cherish her memory her two sons, Russell Hynes, Jr., and Nathan Hynes; her mother, Maureen Sadowski; her siblings, Kenneth T. and Kathryn Sadowski, Susan M. and Robert Lavigne, Thomas M. and Ann M. Sadowski, Mary P. and Mark Andersen, Judith A. and Kenneth Simmons, Michael J. Sadowski, and Cheryl H. and Matthew Coolman; her father-in-law, Willie Hynes; her two sisters-in-law, Gina and Donna Hynes; her brother-in-law, Curtis; her five nieces, Amanda, Julie, Maggi, Kara, and Emily; her ten nephews, Matthew, John, Justin, David, Ted, Joe, Sean, Jahi, Tony, and Curtis, Jr.; and her uncles and aunts, Thomas and Bettye Sadowski and Bill and Kay Gibbons; and

WHEREAS, Catherine Hynes was preceded in death by her husband, Russell Hynes, and her father, Kenneth Sadowski:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously in paying tribute to Cathy Hynes, a remarkable woman of peace and kindness in this world who will be sadly missed by all those who had the distinct pleasure of knowing and loving her; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the loved ones of the late Catherine A. Hynes, as an expression of our deepest sympathy.

**CONCURRENT RESOLUTIONS**

Senators Bentley, Stoll, Childers, Kenney, House, Westfall and Goode offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 36

WHEREAS, the Joint Interim Committee on Education Funding created by Senate Concurrent Resolution No. 26 enacted in the First Regular Session of the Ninety-first General Assembly ceased to exist on January 15, 2002; and

WHEREAS, the Joint Interim Committee on Education Funding was charged with an in-depth review of education finance in this state; and

WHEREAS, by its very nature, education funding is a complex subject that has many interlocking elements that are seldom understood in their entirety; and

WHEREAS, with the best efforts of the Joint Interim Committee on Education Funding, the foundation for further study has been created, but in-depth study will require more time; and

WHEREAS, institutional knowledge of the issues involved in education funding is dwindling, making an in-depth study even more difficult as time passes:

NOW, THEREFORE, BE IT RESOLVED by the members of the Senate of the Ninety-first General Assembly, Second Regular Session, the House of Representatives concurring therein, that the Joint Interim Committee on Education Funding be reconstituted with substantially the same membership in a timely fashion so that the in-depth study contemplated in Senate Concurrent Resolution No. 26 enacted in the First Regular Session of the Ninety-first General Assembly may continue and be completed in time to present a thoughtful study and recommendations for future action to the members of the Ninety-second General Assembly so that the constitutional requirement that designates education as the state's first priority in public policy may continue to be fulfilled.

**INTRODUCTION OF BILLS**

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

**SB 932**—By Klarich.

An Act to repeal section 535.081, RSMo, relating to rent recovery by a successor in title, and to enact in lieu thereof one new section relating to the same subject.

**SB 933**—By Yeckel.

An Act to amend chapter 324, RSMo, by

adding thereto six new sections relating to licensing of amusement machine operators.

**SB 934**—By Foster and Cauthorn.

An Act to repeal sections 163.172 and 313.820, RSMo, relating to school funds, and to enact in lieu thereof two new sections relating to the same subject.

**SB 935**—By Foster and Cauthorn.

An Act to repeal section 168.071, RSMo, relating to teacher certification, and to enact in lieu thereof one new section relating to the same subject.

**SB 936**—By Foster.

An Act to repeal section 167.171, RSMo, relating to school discipline, and to enact in lieu thereof one new section relating to the same subject, with penalty provisions.

**SB 937**—By Foster.

An Act to repeal section 167.161, RSMo, relating to suspension or expulsion of pupils in public schools, and to enact in lieu thereof one new section relating to the same subject.

**SB 938**—By Cauthorn and Childers.

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof three new sections relating to concealable weapons, with penalty provisions.

**SB 939**—By Wiggins and DePasco.

An Act to amend chapter 86 RSMo, by adding thereto three new sections relating to police employees' retirement systems.

**SB 940**—By Wiggins, Schneider and Goode.

An Act to amend chapter 408, RSMo, by adding thereto one new section relating to restrictions for payday loans.

**REFERRALS**

President Pro Tem Kinder referred **SCR 35** to the Committee on Rules, Joint Rules, Resolutions



and Ethics.

**INTRODUCTIONS OF GUESTS**

Senator Caskey introduced to the Senate, Risa Huckriede and Susan Lewark, Warrensburg.

Senator Cauthorn introduced to the Senate, Patty Kelley, Kirksville.

Senator Westfall introduced to the Senate, Stephan McKee, Bolivar.

On behalf of Senator Staples and himself, Senator Childers introduced to the Senate, Jim Davis, Doniphan.

Senator Bland introduced to the Senate, Jeanette Ighedosa, Kansas City.

On behalf of Senator Bland and himself, Senator Wiggins introduced to the Senate, Mrs. Rosemary Smith Lowe, Kansas City.

Senator Kennedy introduced to the Senate, Jack Garvey, St. Louis.

Senator Kinder introduced to the Senate, Chief Justice Stephen N. Limbaugh, Jr., his wife, Marsha, and their children, Katie, Christopher and Stephen N. Limbaugh, III, Cape Girardeau; his father, U.S. District Judge Stephen N. Limbaugh, Sr., and his mother, Anne, St. Louis.

Senator Cauthorn introduced to the Senate, the Physician of the Day, Dr. Robert P. Schneider, D.O., Memphis.

On behalf of Senator Steelman and himself, Senator Rohrbach introduced to the Senate, Senator Steelman's father, John Hearne, Jefferson City.

Senator Loudon introduced to the Senate, Sherry Geiselman Gross and Kathy Lambert, St. Charles.

On behalf of Senator Klarich, the President introduced to the Senate, Jo Anne Breckenridge, St. Louis County; and Joy Gerstein, Washington.

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

Unofficial

Journal

SENATE CALENDAR



FIFTH DAY-WEDNESDAY, JANUARY 16, 2002

Copy

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 742-Caskey

SB 743-Caskey

SB 744-Caskey

SB 745-Russell

SB 746-Russell and Kinder

SB 747-Russell

SB 748-Goode

SB 749-Goode

SB 750-Goode and Rohrbach

SB 751-Singleton

SB 752-House	SB 791-Bland
SB 753-House	SB 792-Bland
SB 754-House	SB 793-Bland
SB 755-Westfall	SB 794-Bland
SB 756-Westfall	SB 795-Schneider
SB 757-Westfall	SB 796-Mathewson
SB 758-Bentley	SB 797-Westfall
SB 759-Yeckel and Singleton	SB 798-Westfall
SB 760-Yeckel	SB 799-Westfall and Wiggins
SB 761-Yeckel	SB 800-DePasco
SB 762-Bland	SB 801-DePasco
SB 763-Bland	SB 802-DePasco
SB 764-Bland	SB 803-Dougherty and Singleton
SB 765-Steelman	SB 804-DePasco
SB 766-Steelman	SB 805-DePasco
SB 767-Steelman	SB 806-Caskey
SB 768-Wiggins	SB 807-Klarich
SB 769-Russell	SB 808-Gross
SB 770-Russell	SB 809-Gross
SB 771-Russell	SB 810-Dougherty
SB 772-Goode	SB 811-Dougherty and Bentley
SB 773-Goode	SB 812-Russell
SB 774-Goode, et al	SB 813-Mathewson
SB 775-House and Loudon	SB 814-Childers
SB 776-House	SB 815-Childers
SB 777-Yeckel	SB 816-Gross
SB 778-Yeckel	SB 817-Gross
SB 779-Yeckel	SB 818-Westfall
SB 780-Bland	SB 819-Bentley
SB 781-Bland	SB 820-Bentley
SB 782-Bland	SB 821-Dougherty and Gross
SB 783-Steelman	SB 822-Dougherty
SB 784-Russell	SB 823-Cauthorn and Gross
SB 785-Goode and Dougherty	SB 824-Cauthorn and Yeckel
SB 786-Goode	SB 825-Schneider
SB 787-Yeckel	SB 826-Gross
SB 788-Yeckel and Gibbons	SB 827-Dougherty, et al
SB 789-Bland	
SB 790-Bland	

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  
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SB 873-House and Gross  
SB 874-Bentley  
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SB 878-Sims  
SB 879-Steelman  
SB 880-Steelman  
SB 881-Steelman and Yeckel  
SB 882-Sims  
SB 883-DePasco  
SB 884-DePasco  
SB 885-Bentley  
SB 886-Bentley and Stoll  
SB 887-Sims  
SB 888-Gross  
SB 889-Dougherty  
SB 890-Kenney  
SB 891-Kenney  
SB 892-Kenney  
SB 893-Rohrbach  
SB 894-Kinder  
SB 895-Yeckel and Gross  
SB 897-Dougherty, et al  
SB 898-Dougherty, et al  
SB 899-Dougherty and  
Kennedy  
SB 900-Goode, et al  
SB 901-Goode, et al  
SB 902-Goode, et al  
SB 903-Klindt  
SB 904-Klindt  
SB 905-Klindt

SB 906-House	SB 931-Klarich
SB 907-House	SB 932-Klarich
SB 908-Gibbons	SB 933-Yeckel
SB 909-Gibbons	SB 934-Foster and Cauthorn
SB 910-Gibbons	SB 935-Foster and Cauthorn
SB 911-Foster, et al	SB 936-Foster
SB 912-Mathewson	SB 937-Foster
SB 913-Rohrbach	SB 938-Cauthorn and Childers
SB 914-Jacob	SB 939-Wiggins and DePasco
SB 915-Westfall, et al	SB 940-Wiggins, et al
SB 916-Dougherty, et al	SJR 22-Schneider
SB 917-Dougherty and Sims	SJR 23-Singleton
SB 918-Klarich	SJR 24-Johnson
SB 919-Klarich	SJR 25-Klarich and Gibbons
SB 920-Caskey	SJR 26-Klarich and Cauthorn
SB 921-Sims, et al	SJR 27-Yeckel
SB 922-Sims	SJR 28-Bland
SB 923-Sims	SJR 30-Cauthorn
SB 924-Sims	SJR 31-Gross
SB 925-Sims and Dougherty	SJR 32-House
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SB 927-Jacob and Wiggins	
SB 928-Jacob and Loudon	
SB 929-Stoll	
SB 930-Stoll	

## RESOLUTIONS

SR 879-Jacob

SR 881-Schneider

To be Referred

SCR 36-Bentley, et al

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