

Journal of the Senate

SECOND REGULAR SESSION

FIFTH DAY—WEDNESDAY, JANUARY 16, 2002

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“O Lord, who am I that you should even know I’m here? And yet, you have crowned me with glory and honor.” (Psalm 8:5)

Gracious God, it is good for us to take stock of who we are and who we are before You. Help us to recognize any honor and glory we have obtained has come by Your providence. Help us to recognize the gift of those who work for us as they assist us in fulfilling what You have called us to do. 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.

Senator Rohrbach assumed the Chair.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 899, regarding St. Paul’s Lutheran School D.A.R.E. Program, Des Peres, which was adopted.

Senator Bentley offered Senate Resolution No. 900, regarding the death of Janice Hutchison, Springfield, which was adopted.

Senator Rohrbach offered Senate Resolution No. 901, regarding Anita Sue Bondurant Rains, Jefferson City, which was adopted.

Senator Rohrbach offered Senate Resolution No. 902, regarding Mr. Arthur Maier and the Boonslick Technical Education Center, Boonville, which was adopted.

Senator Johnson offered Senate Resolution No. 903, regarding Timothy O. Kristl, Kansas City, which was adopted.

Senator Kenney offered Senate Resolution No. 904, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Lowell Trollope, Lee's Summit, which was adopted.

Senator Yeckel offered Senate Resolution No. 905, regarding Don DeFoe, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 906, regarding Novus Development Company and Sam's Club, which was adopted.

Senator Yeckel offered Senate Resolution No. 907, regarding Pepe Vantreece, St. Louis, which was adopted.

Senator Steelman offered the following resolution:

SENATE RESOLUTION NO. 908

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Sixteenth District of the one day's 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, Second Regular Session, that Senate Rule 93 be amended to read as follows:

"Rule 93. No person except members of the house of representatives, former members of the senate, the governor, the secretary of state, the state auditor, the state treasurer, judges of the supreme court, courts of appeals or circuit courts, attorney general and the congress, shall be admitted within the senate chamber during the sitting of the senate, unless invited by the senate; except that the seats at the north and south ends of the senate chamber may be reserved for [wives] **spouses** and families of members of the senate, and other persons may be admitted to the senate chamber on special request of any senator when the senate is in session. Access to the third floor rear gallery shall be limited to senators during the hours in which the senate is engaged in floor session. Any use of the gallery when the senate is not in session must be approved by the Chairman of the Committee on Administration."

INTRODUCTION OF BILLS

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

SB 941—By DePasco.

An Act to repeal sections 242.010, 242.200 and 242.210, RSMo, relating to drainage districts, and to enact in lieu thereof three new sections relating to the same subject.

SB 942—By Schneider, Goode, Wiggins and House.

An Act to repeal sections 386.510, 386.520, 386.530 and 386.540, RSMo, relating to judicial appeal of public service commission orders, and to enact in lieu thereof four new sections relating to the same subject.

SB 943—By Schneider.

An Act to amend chapter 103, RSMo, by adding thereto one new section relating to secondary health insurance coverage for public officials.

SB 944—By Goode and Schneider.

An Act to amend chapters 143 and 144, RSMo, by adding thereto two new sections relating to sales and corporate income taxes, with a referendum clause and an expiration date.

SB 945—By Stoll.

An Act to repeal section 42.175, RSMo, and to enact in lieu thereof one new section relating to World War II medals, with an emergency clause.

SB 946—By Jacob and Wiggins.

An Act to repeal sections 142.803, 301.057, 301.265, 302.735, 304.010 and 622.030, RSMo, relating to transportation, and to enact in lieu thereof six new sections relating to the same subject.

SB 947—By Klindt and Stoll.

An Act to repeal sections 360.106, 360.111, 360.112, 360.113, 360.114, 360.116, and 360.118, RSMo, and to enact in lieu thereof seven new sections relating to the Missouri health and educational facilities act.

SB 948—By Cauthorn, Foster and Loudon.

An Act to amend chapter 578, RSMo, by

adding thereto one new section relating to the transfer of human fetal parts, with penalty provisions.

SB 949—By Bentley.

An Act to repeal section 313.820, RSMo, relating to the admission fee for licensed gaming activities, and to enact in lieu thereof one new section relating to the same subject.

SB 950—By Gibbons and Klarich.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of the Henry Shaw Ozark Corridor.

SB 951—By Loudon.

An Act to repeal sections 167.181 and 210.003, RSMo, relating to immunizations for children, and to enact in lieu thereof two new sections relating to the same subject.

SB 952—By Loudon.

An Act to repeal section 8.250, RSMo, relating to state construction projects, and to enact in lieu thereof one new section relating to the same subject.

SB 953—By Loudon and Cauthorn.

An Act to repeal sections 135.327 and 135.333, RSMo, relating to adoption tax credits, and to enact in lieu thereof two new sections relating to the same subject.

SB 954—By Loudon.

An Act to repeal section 288.030, RSMo, relating to employment security definitions, and to enact in lieu thereof one new section relating to the same subject.

SB 955—By Loudon.

An Act to repeal section 137.115, RSMo, relating to the assessment of real property, and to enact in lieu thereof one new section relating to the same subject.

SB 956—By Loudon.

An Act to repeal sections 379.362, 379.889, 379.890 and 379.893, RSMo, relating to casualty insurance, and to enact in lieu thereof one new section relating to the same subject.

SB 957—By Loudon, Kennedy, House, Gibbons and Foster.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to special license plates.

SB 958—By Kinder.

An Act to amend chapter 1, RSMo, by adding thereto two new sections relating to the prohibition of interference with the free exercise of religion.

SB 959—By Kenney and Kinder.

An Act to repeal section 143.451, RSMo, relating to the division of interstate income, and to enact in lieu thereof one new section relating to the same subject.

SB 960—By Kenney and Steelman.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the creation of a special license plate.

Senator Schneider requested unanimous consent of the Senate for the following reading to be printed in the Journal, which request was granted:

A reading from the letter of James

The harvest of justice is sown in peace by those who make peace

Jas 3, 13-18

If one of you is wise and understanding, let him show this in practice through a humility filled with good sense. Should you instead nurse bitter jealousy and selfish ambition in your hearts, at least refrain from arrogant and false claims against the truth. Wisdom like this does not come from above. It is earthbound, a kind of animal, even devilish cunning. Where there are jealousy and strife, there also are inconstancy and all kinds of vile behavior. Wisdom from above, by contrast, is first of all innocent. It is also peaceable, lenient, docile, rich in sympathy and the kindly deeds that are its fruits, impartial and sincere. The harvest of justice is sown in peace for those who cultivate peace.

The Word of the Lord.

RESOLUTIONS

Senator Schneider moved that **SR 881** be taken up for adoption, which motion prevailed.

Senator Schneider offered **SS** for **SR 881**:

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Fourteenth District of the one day's notice pursuant to rule 97 of intent to put a motion to adopt the following rule change:

SENATE SUBSTITUTE
FOR
SENATE RESOLUTION NO. 881

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

"Rule 97. No standing rule or order of the senate shall be rescinded or changed without one day's notice being given of the motion thereof, **which notice shall be printed in the journal of the senate**, and then only by a vote of at least a majority of the senators elected; except that any rule, including this rule, may be suspended for a special purpose, stated in the motion to suspend, by a vote of a two-thirds majority of the members elected to the senate, and such rule shall remain suspended only until the senate proceeds to the consideration of business other than that for which the rule was suspended. **Upon one day's notice of the proposed rule change having been given, the senate resolution adopting such rule change shall not be assigned to a committee without consent of the sponsoring senator and shall be in order to be considered by the senate at any day or time thereafter upon motion of the sponsor.**"

Senator Schneider moved that **SS** for **SR 881** be adopted.

President Maxwell assumed the Chair.

Senator Jacob offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Resolution No. 881, Page 1, Line 17 by inserting after the word "senate", the following: "each day at the time bringing up resolutions is in order." and deleting the words on line 17 starting with the words "at any day" and to delete line 18.

Senator Jacob moved that the above amendment be adopted.

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

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

Amend Senate Substitute for Senate Resolution No. 881, by adding the following at the end of said Resolution: "during the order of business of Resolutions."

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

Senator Schneider moved that **SS** for **SR 881**, as amended, be adopted, which motion prevailed.

SS for **SR 881**, as amended, was adopted by the following vote:

YEAS—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	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Staples—1

Absent with leave—Senators—None

Vacancies—1

Senator Jacob moved that **SR 879** be taken up for adoption, which motion prevailed.

Senator Jacob moved that **SR 879** be adopted, which motion failed by the following vote:

YEAS—Senators

Bland	Caskey	DePasco	Dougherty
Goode	House	Jacob	Johnson
Kennedy	Mathewson	Quick	Schneider
Stoll	Wiggins—14		

NAYS—Senators

Bentley	Cauthorn	Childers	Foster
Gibbons	Gross	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Sims	Singleton	Steelman
Westfall	Yeckel—18		

Absent—Senator Staples—1

Absent with leave—Senators—None

Vacancies—1

SECOND READING OF SENATE BILLS

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

SB 742—Judiciary.

SB 743—Judiciary.

SB 744—Local Government and Economic Development.

SB 745—Transportation.

SB 746—Labor and Industrial Relations.

SB 747—Judiciary.

SB 748—Labor and Industrial Relations.

SB 749—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 750—Ways and Means.

SB 751—Public Health and Welfare.

SB 752—Insurance and Housing.

SB 753—Labor and Industrial Relations.

SB 754—Labor and Industrial Relations.

SB 755—Education.

SB 756—Education.

SB 757—Transportation.

SB 758—Civil and Criminal Jurisprudence.

SB 759—Ways and Means.

SB 760—Financial and Governmental Organi-

zation, Veterans' Affairs and Elections.

SB 761—Local Government and Economic Development.

SB 762—Insurance and Housing.

SB 763—Judiciary.

SB 764—Public Health and Welfare.

SB 765—Education.

SB 766—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 767—Education.

SB 768—Local Government and Economic Development.

SB 769—Ways and Means.

SB 770—Commerce and Environment.

SB 771—Transportation.

SB 772—Insurance and Housing.

SB 773—Ways and Means.

SB 774—Transportation.

SB 775—Transportation.

SB 776—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 777—Civil and Criminal Jurisprudence.

SB 778—Ways and Means.

SB 779—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 780—Ways and Means.

SB 781—Civil and Criminal Jurisprudence.

SB 782—Insurance and Housing.

SB 783—Education.

SB 784—Commerce and Environment.

SB 785—Insurance and Housing.

SB 786—Labor and Industrial Relations.

SB 787—Ways and Means.

SB 788—Ways and Means.

SB 789—Civil and Criminal Jurisprudence.

SB 790—Ways and Means.

SB 791—Education.

SB 792—Insurance and Housing.

SB 793—Aging, Families and Mental Health.

SB 794—Education.

SB 795—Local Government and Economic Development.

SB 796—Transportation.

SB 797—Local Government and Economic Development.

SB 798—Transportation.

SB 799—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 800—Judiciary.

SB 837—Agriculture, Conservation, Parks and Tourism.

REFERRALS

President Pro Tem Kinder referred **SCR 36** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE HOUSE

The following message was 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 **HBs 1386** and **1038**, entitled:

An Act to repeal section 307.173, RSMo, and to enact in lieu thereof one new section relating to tinted windows, with a penalty provision and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Westfall, Chairman of the Committee on Transportation, Senator Kenney submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 727** and **SB 703**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

RESOLUTIONS

Senator Singleton offered Senate Resolution No. 909, regarding Terry McDonald, Carthage, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Caskey introduced to the Senate, Carri, Candy and Kiley Ross, Warsaw; and Candy and Kiley were made honorary pages.

Senator Kennedy introduced to the Senate, Megan Clark, Columbia.

Senator Mathewson introduced to the Senate, Patrick Perkins, Marshall.

Senator Mathewson introduced to the Senate, fourteen seventh through eleventh grade students and adults from Keytesville C-2000, Keytesville.

Senator Kinder introduced to the Senate, Maureen Beveridge, Springfield, Illinois.

Senator Kinder introduced to the Senate, the Physician of the Day, Reno Cova, M.D., and his son, Reno Cova, III, Cape Girardeau.

Senator Singleton introduced to the Senate, Bonnie Wright, Terry Greene and Larry Allgood, Joplin.

Senator Foster introduced to the Senate, Bob

Sutton, Loyd Matthews, Donna Moore and Lakofa Douglas, Poplar Bluff.

Senator Klindt introduced to the Senate, Bill and Marilyn Robbins, Trenton.

Senator Bentley introduced to the Senate, John Brown, Springfield.

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

SENATE CALENDAR

SIXTH DAY—THURSDAY, JANUARY 17, 2002

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

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 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 892-Kenney
SB 853-Stoll	SB 893-Rohrbach
SB 854-Gross	SB 894-Kinder
SB 855-Caskey	SB 895-Yeckel and Gross
SB 856-Russell	SB 897-Dougherty, et al
SB 857-Dougherty	SB 898-Dougherty, et al
SB 858-Dougherty and Kennedy	SB 899-Dougherty and Kennedy
SB 859-Russell	SB 900-Goode, et al
SB 860-Rohrbach	SB 901-Goode, et al
SB 861-Rohrbach	SB 902-Goode, et al
SB 862-DePasco	SB 903-Klindt
SB 863-Gross	SB 904-Klindt
SB 864-Gross and House	SB 905-Klindt
SB 865-Foster and Kinder	SB 906-House
SB 866-Cauthorn	SB 907-House
SB 867-Cauthorn	SB 908-Gibbons
SB 868-Cauthorn	SB 909-Gibbons
SB 869-Cauthorn	SB 910-Gibbons
SB 870-Goode	SB 911-Foster, et al
SB 871-Dougherty	SB 912-Mathewson
SB 872-Dougherty and Goode	SB 913-Rohrbach
SB 873-House and Gross	SB 914-Jacob
SB 874-Bentley	SB 915-Westfall, et al
SB 875-Gross	SB 916-Dougherty, et al
SB 876-Sims	SB 917-Dougherty and Sims
SB 877-Sims	SB 918-Klarich
SB 878-Sims	SB 919-Klarich
SB 879-Steelman	SB 920-Caskey
SB 880-Steelman	SB 921-Sims, et al
SB 881-Steelman and Yeckel	SB 922-Sims
SB 882-Sims	SB 923-Sims
SB 883-DePasco	SB 924-Sims
SB 884-DePasco	SB 925-Sims and Dougherty
SB 885-Bentley	SB 926-Kenney, et al
SB 886-Bentley and Stoll	SB 927-Jacob and Wiggins
SB 887-Sims	SB 928-Jacob and Loudon
SB 888-Gross	SB 929-Stoll
SB 889-Dougherty	SB 930-Stoll
SB 890-Kenney	SB 931-Klarich
SB 891-Kenney	SB 932-Klarich

SB 933-Yeckel	SB 952-Loudon
SB 934-Foster and Cauthorn	SB 953-Loudon and Cauthorn
SB 935-Foster and Cauthorn	SB 954-Loudon
SB 936-Foster	SB 955-Loudon
SB 937-Foster	SB 956-Loudon
SB 938-Cauthorn, et al	SB 957-Loudon, et al
SB 939-Wiggins and DePasco	SB 958-Kinder
SB 940-Wiggins, et al	SB 959-Kenney and Kinder
SB 941-DePasco	SB 960-Kenney and Steelman
SB 942-Schneider, et al	SJR 22-Schneider
SB 943-Schneider	SJR 23-Singleton
SB 944-Goode and Schneider	SJR 24-Johnson
SB 945-Stoll	SJR 25-Klarich and Gibbons
SB 946-Jacob and Wiggins	SJR 26-Klarich and Cauthorn
SB 947-Klindt and Stoll	SJR 27-Yeckel
SB 948-Cauthorn, et al	SJR 28-Bland
SB 949-Bentley	SJR 30-Cauthorn
SB 950-Gibbons and Klarich	SJR 31-Gross
SB 951-Loudon	SJR 32-House

HOUSE BILLS ON SECOND READING

HCS for HBs 1386 & 1038

SENATE BILLS FOR PERFECTION

SBs 727 & 703-Yeckel
and Stoll, with SCS

RESOLUTIONS

SR 908-Steelman

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