

Journal of the Senate

SECOND REGULAR SESSION

SEVENTEENTH DAY—WEDNESDAY, FEBRUARY 6, 2002

The Senate met pursuant to adjournment.

Yeckel—33

Senator Klarich in the Chair.

Absent with leave—Senators—None

Reverend Carl Gauck offered the following prayer:

Vacancies—1

“I give thanks, O Lord, with my whole heart...” (Psalm 138:1)

Magnificent Lord, it is good to begin this day in prayer and meditation with You and with our colleagues. Watch over us this day and bless us so that we may bring about the fruits of the seeds that were planted in our hearts this morning. In Your Holy Name. 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 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

RESOLUTIONS

Senators Klarich and Loudon offered Senate Resolution No. 997, regarding Paul and Alicia Matteucci, Wildwood, which was adopted.

Senators Klarich and Loudon offered Senate Resolution No. 998, regarding Georgiana Candice Matteucci, Wildwood, which was adopted.

Senators Klarich and Loudon offered Senate Resolution No. 999, regarding Florina Natalia Matteucci, Wildwood, which was adopted.

Senators Klarich and Loudon offered Senate Resolution No. 1000, regarding Madalina Gabriella Matteucci, Wildwood, which was adopted.

Senators Klarich and Loudon offered Senate Resolution No. 1001, regarding John Paul Matteucci, Wildwood, which was adopted.

Senators Klarich and Loudon offered Senate Resolution No. 1002, regarding Jordan Michael Matteucci, Wildwood, which was adopted.

Senators Klarich and Loudon offered Senate Resolution No. 1003, regarding Daniel David

Matteucci, Wildwood, which was adopted.

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1004

WHEREAS, the members of the Missouri Senate were truly saddened by the death of Show-Me State native James R. Lobbyey on Sunday, February 3, 2002, at the age of sixty-two; and

WHEREAS, born on June 15, 1939, in Joplin, Jim Lobbyey was a lifelong area resident who graduated from Joplin High School with the class of 1957; attended Missouri Southern State College, where he earned a degree in communications; and devoted the majority of his professional life to broadcasting management; and

WHEREAS, on November 15, 1997, Jim Lobbyey took the beautiful hand of the former Christina Christiansen in Las Vegas, Nevada, as the two pledged their love for each other to begin a marital union which was founded on many common interests, including a desire to enliven and invigorate the lives of nursing home residents through participation in a well-received "Therapy Dog Program"; and

WHEREAS, Jim Lobbyey began a new phase in his life when he won the August 1998 primary race for Jasper County Clerk, and was hired as a staff member in September of that year to ensure a smooth transition before taking the oath of office on January 1, 1999; and

WHEREAS, known as a great person with whom to work, Jim Lobbyey was actively involved with the Midwest Gathering of the Artists, enjoyed using his rich voice in service as an emcee or announcer, and participated in numerous local organizations as a personable and friendly gentleman who had time to spare for everyone; and

WHEREAS, Jim Lobbyey leaves behind his beloved wife, Chris, and a stepsister, Gloria Stephens of Joplin:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to remember the well-lived life and selfless labors of Jim Lobbyey and to convey to his family members, governmental colleagues, neighbors, and friends this legislative body's sincerest condolences at the passing of his considerable warmth and light from their daily lives; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of the late James R. "Jim" Lobbyey of Carthage, Missouri.

INTRODUCTION OF BILLS

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

SB 1111—By Quick.

An Act to repeal section 208.631, RSMo, relating to health care for uninsured children, and to enact in lieu thereof one new section relating to the same subject.

SB 1112—By Caskey and Russell.

An Act to repeal sections 44.023, 306.124, 307.177, 407.472, 570.030, 571.020, 574.115 and 578.008, RSMo, relating to terrorism, and to enact in lieu thereof thirty-three new sections relating to the same subject, with an emergency clause and penalty provisions.

SB 1113—By Caskey.

An Act to repeal sections 58.096, 58.260, 58.270, 58.280, 58.290, 58.310, 58.330, 58.340, 58.360, 58.410 and 58.430, RSMo, relating to coroners, and to enact in lieu thereof eleven new sections relating to the same subject, with penalty provisions.

SB 1114—By Singleton.

An Act to repeal sections 26.220, 26.225, 115.237, 115.239, 115.307, 115.515 and 115.517, RSMo, relating to the joint election of governor and lieutenant governor, and to enact in lieu thereof ten new sections relating to the same subject, with a contingent effective date.

SB 1115—By Dougherty.

An Act to amend chapter 566, RSMo, by adding thereto one new section relating to sex crimes, with penalty provisions.

SB 1116—By Dougherty.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to energy programs for low-income persons.

SB 1117—By Dougherty.

An Act to repeal sections 135.400, 135.403, 135.408, 135.411, 135.423, 348.300 and 348.302, RSMo, section 135.535 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701 of the ninetieth general assembly, first regular session and section 135.535 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 20 of the ninetieth general assembly, first regular session, relating to tax relief in distressed communities, and to enact in lieu thereof eight new sections relating to the same subject, with an emergency clause.

SB 1118—By Loudon.

An Act to repeal section 105.452, RSMo, relating to state officeholders and commercials, and to enact in lieu thereof one new section relating to the same subject.

HOUSE BILLS ON THIRD READING

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.

Was taken up by Senator Yeckel.

On motion of Senator Yeckel, **HCS for HBs 1386 and 1038** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	DePasco	Dougherty	Foster
Gibbons	Goode	Gross	House
Jacob	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Mathewson
Rohrbach	Russell	Schneider	Sims
Singleton	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Johnson Quick—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Jacob Johnson Quick Schneider
Singleton—5

Absent with leave—Senators—None

Vacancies—1

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

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

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

SENATE BILLS FOR PERFECTION

Senator House moved that **SB 659** be taken up for perfection, which motion prevailed.

Senator House offered **SS** for **SB 659**, entitled:

**SENATE SUBSTITUTE FOR
SENATE BILL NO. 659**

An Act to repeal sections 105.269, 160.400, 160.405, 160.410 and 160.420, RSMo, relating to charter schools, and to enact in lieu thereof five

new sections relating to the same subject.

Senator House moved that **SS** for **SB 659** be adopted.

Senator Singleton assumed the Chair.

Senator Rohrbach assumed the Chair.

At the request of Senator House, **SB 659**, with **SS** (pending), was placed on the Informal Calendar.

Senator Singleton moved that **SJR 23** be taken up for perfection, which motion prevailed.

Senator Singleton offered **SS** for **SJR 23**, entitled:

SENATE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 23

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 17 of article IV of the Constitution of Missouri relating to elective state officers, and adopting one new section in lieu thereof relating to the same subject.

Senator Singleton moved that **SS** for **SJR 23** be adopted.

Senator DePasco offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Joint Resolution No. 23, Page 1, Section A, Line 9, by inserting after all of said line the following:

“Section 14. Writs of election to fill vacancies in either house of the general assembly shall be issued by the Governor. **In lieu of a special election, the Governor shall be allowed to appoint a successor from the same political party as the person who vacated the seat.**”; and

Further amend title and enacting clause accordingly.

Senator DePasco moved that the above amendment be adopted.

Senator DePasco offered **SSA 1** for **SA 1**,

which was read:

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

Amend Senate Substitute for Senate Joint Resolution No. 23, Page 1, Section A, Line 9, by inserting after all of said line the following:

“Section 14. Writs of election to fill vacancies in either house of the general assembly shall be issued by the Governor. **In lieu of a special election, the Governor shall be allowed to appoint a successor from the same political party as the person who vacated the seat from a three member panel submitted by the governing legislative committee.**”; and

Further amend title and enacting clause accordingly.

Senator DePasco moved that the above substitute amendment be adopted.

At the request of Senator Singleton, **SJR 23**, with **SS**, **SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

RESOLUTIONS

Senators Loudon, Kinder, Childers, Sims, Russell and Gross offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1005

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his adult life serving freedom and advancing the public good as an entertainer, Union leader, corporate spokesman, Governor of California, and President of the United States; and

WHEREAS, Ronald Reagan was inaugurated the fortieth president of the United States in 1981, in which capacity he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

WHEREAS, Ronald Reagan was elected to a second term in office by a landslide victory unprecedented in American history, winning forty-nine of the fifty states in the 1984 general election; and

WHEREAS, during his presidency, Ronald Reagan worked in a bipartisan manner to enact his bold agenda of restoring

accountability and common sense to government which led to an unprecedented economic expansion and boundless opportunity for a multitude of Americans; and

WHEREAS, Ronald Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

WHEREAS, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the free world, and prepared America's Armed Forces to win the Gulf War; and

WHEREAS, President Reagan's vision of "peace through strength" precipitated the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

WHEREAS, Ronald Reagan will attain the age of 91 on February 6, 2002:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, join unanimously to applaud the outstanding leadership provided by Ronald Reagan during his eight years as president of the United States, to express deep gratitude for his achievements on behalf of this nation, and to wish him well upon the occasion of his Ninety-first Birthday; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for President Ronald Wilson Reagan.

Senator Schneider offered Senate Resolution No. 1006, regarding Stephen D. Kimball, Hazelwood East High School, which was adopted.

REFERRALS

President Pro Tem Kinder referred **SCR 43** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

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 **SS No. 2** for **SB 650**, 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.

INTRODUCTION OF BILLS

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

SB 1119—By Johnson.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to security of state owned buildings.

SB 1120—By Yeckel.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to committees organized to influence congressional apportionment.

SB 1121—By Yeckel.

An Act to repeal sections 130.016 and 130.037, RSMo, and to enact in lieu thereof two new sections relating to campaign finance filing requirements.

SB 1122—By Foster.

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

SJR 33—By Loudon.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30 (b) of article IV of the Constitution of Missouri relating to powers and duties of the state highways and transportation commission, and adopting two new sections in lieu thereof relating to the same subject.

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 **SCS** for **SBs 727** and **703**.

Emergency clause adopted.

Bill ordered enrolled.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Nicola Longford, St. Louis.

Senator Bentley introduced to the Senate, Bernadette Miller, Springfield.

Senator Bentley introduced to the Senate, the Physician of the Day, Dr. Norman P. Knowlton, III, M.D., Springfield.

Senator Bentley introduced to the Senate, Joy Behrens, Angie Forck, Karen Mason, Carolyn Roof, Linda Turner and Pam Hanaberry, Springfield.

Senator Steelman introduced to the Senate, Dr. Jeff Kerr, his wife, Sandy, and their children Jennifer and Ashley, Rolla.

Senator Westfall introduced to the Senate, Jason Haynes, Mt. Vernon.

Senator Steelman introduced to the Senate, Tera Bock and Mandy Custard, New Bloomfield.

Senator Kinder introduced to the Senate, Dan Overby, Cape Girardeau.

Senator Westfall introduced to the Senate, students from Polk County Christian School, Bolivar.

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

Unofficial

SENATE CALENDAR

EIGHTEENTH DAY—THURSDAY, FEBRUARY 7, 2002

Journal
FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1079-Bland
SB 1081-Bland
SB 1083-Russell
SB 1084-Stoll
SB 1085-Yeckel
SB 1086-DePasco
SB 1087-Gibbons, et al
SB 1088-Foster, et al
SB 1089-Goode
SB 1090-Loudon
SB 1091-Loudon
SB 1092-Loudon
SB 1093-Loudon

SB 1094-Russell
SB 1095-Cauthorn
SB 1096-Kennedy
SB 1097-Kennedy and Stoll
SB 1098-Steelman
SB 1099-Childers
SB 1100-Childers, et al
SB 1101-Kenney, et al
SB 1102-Westfall
SB 1103-Westfall, et al
SB 1104-Mathewson
SB 1105-Loudon
SB 1106-Klarich

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SB 1107-Childers
SB 1108-Kennedy
SB 1109-Yeckel
SB 1110-Steelman
SB 1111-Quick
SB 1112-Caskey and Russell
SB 1113-Caskey
SB 1114-Singleton
SB 1115-Dougherty

SB 1116-Dougherty
SB 1117-Dougherty
SB 1118-Loudon
SB 1119-Johnson
SB 1120-Yeckel
SB 1121-Yeckel
SB 1122-Foster
SJR 33-Loudon

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al

HS for HB 1399-Ransdall

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THIRD READING OF SENATE BILLS

SS#2 for SB 650-Singleton

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SENATE BILLS FOR PERFECTION

1. SB 712-Singleton and Sims, with SCS
2. SB 1009-Rohrbach, with SCS
3. SBs 970, 968, 921, 867, 868 & 738-Westfall, et al, with SCS
4. SB 931-Klarich, with SCS
5. SB 722-Bentley, with SCS
6. SB 856-Russell
7. SB 895-Yeckel and Gross
8. SB 675-Yeckel, et al, with SCS
9. SB 881-Steelman and Yeckel, with SCS
10. SBs 641 & 705-Russell, et al, with SCS
11. SBs 721, 757, 818 & 930-Westfall, with SCS
12. SB 665-Kenney
13. SB 836-Gross and Dougherty, with SCS
14. SB 840-Gross and Russell, with SCS
15. SB 740-Wiggins
16. SB 687-Gibbons and Yeckel

Copy

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 651-Singleton and
Russell, with SCS (pending)
SB 659-House and Kenney,
with SS (pending)
SB 660-Westfall, et al,
with SCS (pending)
SBs 662 & 704-Westfall,
with SCS & SA 3 (pending)

SB 668-Bentley, with SS
(pending)
SBs 958 & 657-Kinder,
with SCS
SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending)

Unofficial
CONSENT CALENDAR

Senate Bills

Reported 1/28

SB 758-Bentley
SB 720-Westfall
SB 644-Mathewson and Yeckel
SB 701-Wiggins
SB 737-Cauthorn and
Russell, with SCS

SB 745-Russell, with SCS
SB 669-Bentley, with SCS
SB 726-Childers
SB 896-Yeckel

Copy
Reported 1/29

SB 702-Caskey
SB 695-Dougherty and Sims

SB 776-House, with SCS

Reported 1/30

SB 749-Goode

Reported 1/31

SB 813-Mathewson

Reported 2/4

SB 656-Rohrbach, with SCS

SB 893-Rohrbach

SB 804-DePasco, with SCS

SB 645-Mathewson, with SCS

SB 891-Kenney

SB 798-Westfall

SB 865-Foster and Kinder

SB 639-Caskey

SB 932-Klarich

SB 742-Caskey, with SCA 1

SB 860-Rohrbach

Unofficial

Reported 2/5

SB 708-Mathewson

SB 995-Rohrbach

RESOLUTIONS

Journal

Reported from Committee

SCR 38-Klarich

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