

Journal of the Senate

SECOND REGULAR SESSION

TWENTIETH DAY—TUESDAY, FEBRUARY 12, 2002

The Senate met pursuant to adjournment.

Senator Klarich in the Chair.

Reverend Carl Gauck offered the following prayer:

“For whoever finds me finds life and receives favor from the Lord.” (Proverbs 8:35)

Heavenly Father, give us the wisdom to love, desire, seek and serve You with our whole hearts. Provide us hope and trust that knows with You there is knowledge about living that the world cannot give. Provide us intelligence about our world that we may serve effectively and graciously. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

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.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 1025, regarding Reverend Monsignor Edward William Reilly, Ph.D., St. Louis, which was adopted.

Senator Jacob offered the following resolution:

SENATE RESOLUTION NO. 1026

Notice of Proposed Rule Change

Notice is hereby given by the Senator from the Nineteenth 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 10 be amended to read as follows:

"Rule 10. The president pro tem shall be parliamentarian of the senate and may decide all points of order, and in his absence such points of order may be decided by the chairman of the Committee on Judiciary, except in either case, the point of order may be referred by the then acting parliamentarian, to the

Committee on Parliamentary Procedure for consideration and determination. **A point of order that is taken under advisement shall be ruled upon within one legislative day.** All rulings on points of order shall be subject to an appeal to the senate and all questions and points of order shall be noted by the secretary with the decision thereon. (See also Rule 27.)".

Senators Loudon and Klarich offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1027

WHEREAS, it is with special pleasure that the members of the Missouri Senate pause to recognize the meritorious achievements of an outstanding Missouri citizen who has distinguished himself as a leader of his community; and

WHEREAS, the Honorable John Wild, Mayor of Wildwood, is to be commended for the important role he plays as Chief Executive Officer of the Missouri Higher Education Loan Authority, an agency established by the state in 1982 to handle government loans of Missouri students; and

WHEREAS, reflecting the cost of education, the Missouri Higher Education Loan Authority now employs 200 individuals, boasts assets of \$2.5 billion, and buys some \$500 million in loans each year; and

WHEREAS, throughout its rich history, the Missouri Higher Education Loan Authority has helped well over half a million young people with student loans that have enabled them to finance a higher education; and

WHEREAS, the Missouri Higher Education Loan Authority has been honored by the Chesterfield Chamber of Commerce as the 2001 Business of the Year for its numerous accomplishments, unwavering faith in the levee district, and the contribution of its brand new signature building in the Chesterfield Valley:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join in extending our most hearty and robust congratulations to John Wild as he proudly celebrates the phenomenal success of the Missouri Higher Educational Loan Authority, and in wishing him only the very best as he continues to maintain only the highest standards of excellence in all he does; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Honorable John Wild, as a measure of our esteem for him.

CONCURRENT RESOLUTIONS

Senator Gross offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 45

WHEREAS, our Country was founded on the precepts of freedom, liberty, diversity and the right of the people to acknowledge God according to the dictates of conscience; and

WHEREAS, from the very beginning of our nation to the founding of our first national government in 1774, and from the Continental Congress to the Constitutional Convention and the years after the establishment of our Constitution, voluntary prayer has been a unifying and consoling force; and

WHEREAS, statements of belief in a Supreme Power and the virtue of seeking guidance, strength and protection from that power are prevalent throughout our national history and appear in our national documents as well as in virtually every state constitution; and

WHEREAS, the framers of the Constitution, recognizing free exercise of religion as an inalienable right, secured its protection with the First Amendment of the Constitution of the United States; and

WHEREAS, every session of Congress, and of many other legislative and public bodies across the nation, begins with the comfort and encouragement of voluntary prayer; and

WHEREAS, our government has a constitutional obligation to protect religious freedom; and

WHEREAS, one of the purposes of education is to prepare students to be good citizens; and

WHEREAS, instilling an appreciation and respect not only for the beliefs and traditions of others but also for the longstanding beliefs and traditions of the nation forms a part of good citizenship; and

WHEREAS, voluntary student prayer formed a part of American public schools from their origination in 1642 for over three hundred years afterward until the United States Supreme Court in a 1962 ruling it said was "without precedent", struck down what it described as "voluntary, nondenominational school prayer"; and

WHEREAS, in 1985 the Supreme Court even struck down voluntary, silent student prayers; and

WHEREAS, an increasing number of recent religion-hostile court decisions now prohibit the overwhelming majority of Americans from participating in the very same religious expressions their parents, grandparents, and generations before them enjoyed; and

WHEREAS, an increasing and ever-widening hostility against voluntary prayer and public religious speech has produced a public atmosphere of fear, intimidation, and confusion about school prayer and religious speech; and

WHEREAS, an overwhelming majority of Americans now favor giving specific protections to these traditional religious expressions; and

WHEREAS, House Joint Resolution No. 81 has been offered in the United States House of Representatives proposing a constitutional amendment for ratification by the people:

"To secure the people's right to acknowledge God according to the dictates of conscience:

'Neither the United States nor any State shall establish any official religion, but the people's right to pray and to recognize their religious beliefs, heritage, and traditions on public property, including schools, shall not be infringed.

'The United States and the States shall not compose school prayers, nor require any person to join in prayer or other religious activity.'":

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, urges the United States Congress to pass House Joint Resolution No. 81; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution for the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Missouri Congressional Delegation in order that they may be apprised of the sense of this matter.

INTRODUCTION OF BILLS

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

SB 1139—By Sims.

An Act to repeal sections 294.011, 294.024, 294.030, 294.043, 294.060, 294.090, 294.121 and 294.141, RSMo, and to enact in lieu thereof eight new sections relating to restrictions on child labor.

SB 1140—By Rohrbach.

An Act to repeal section 192.323, RSMo, and to enact in lieu thereof one new section relating to department of health and senior services document services fund.

SB 1141—By Bland.

An Act to repeal sections 376.810, 376.811, 376.814, 376.825, 376.826, 376.827, 376.830,

376.833, 376.836 and 376.840, RSMo, and to enact in lieu thereof one new section relating to insurance coverage for mental health.

SB 1142—By Jacob.

An Act to repeal sections 610.106 and 610.110, RSMo, and to enact in lieu thereof two new sections relating to the closing of criminal records.

President Maxwell assumed the Chair.

SB 1143—By Jacob.

An Act to repeal section 108.240, RSMo, relating to duties of the state auditor, and to enact in lieu thereof one new section relating to the same subject.

SB 1144—By Dougherty.

An Act to repeal section 643.055, RSMo, relating to the Missouri air conservation commission, and to enact in lieu thereof one new section relating to the same subject.

THIRD READING OF SENATE BILLS

SB 644, introduced by Senators Mathewson and Yeckel, entitled:

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

Was called from the Consent Calendar and taken up by Senator Mathewson.

On motion of Senator Mathewson, **SB 644** 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	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins

Yeckel—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

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

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

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

SB 701, introduced by Senator Wiggins, entitled:

An Act to repeal sections 305.120, 305.130 and 305.140, RSMo, relating to the operation of aircraft, and to enact in lieu thereof three new sections relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Wiggins, **SB 701** 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	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Staples	Steelman	Stoll
Westfall	Wiggins	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Quick Singleton—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

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

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

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

SB 737, with **SCS**, introduced by Senators Cauthorn and Russell, entitled:

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

Was called from the Consent Calendar and taken up by Senator Cauthorn.

Senator Klarich assumed the Chair.

SCS for **SB 737**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 737

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

Was taken up.

Senator Singleton assumed the Chair.

Senator Cauthorn moved that **SCS** for **SB 737** be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **SB 737** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bland	Caskey	Cauthorn	Childers
DePasco	Dougherty	Foster	Gibbons
Goode	Gross	House	Jacob
Johnson	Kennedy	Kenney	Kinder
Klarich	Klindt	Loudon	Rohrbach
Russell	Schneider	Sims	Singleton
Staples	Steelman	Stoll	Westfall
Wiggins	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Bentley Mathewson Quick—3

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

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

Senator Cauthorn 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**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SB 659** was again taken up.

At the request of Senator House, **SS** for **SB 659** was withdrawn.

Senator House offered **SS No. 2** for **SB 659**, entitled:

SENATE SUBSTITUTE NO. 2 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 No. 2** for **SB 659** be adopted.

Senator Gross assumed the Chair.

At the request of Senator House, **SB 659**, with **SS No. 2** (pending), was placed on the Informal Calendar.

INTRODUCTION OF BILLS

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

SB 1145—By Schneider, Kinder, Kennedy, Childers, Staples and House.

An Act to repeal section 334.735, RSMo, relating to physician assistants, and to enact in lieu thereof one new section relating to the same subject.

SB 1146—By Schneider.

An Act to repeal sections 198.006, 198.015 and 198.073, RSMo, relating to assisted living facilities, and to enact in lieu thereof four new sections relating to the same subject, with penalty provisions.

SB 1147—By Kennedy.

An Act to amend chapter 408, RSMo, by adding thereto four new sections relating to high-cost home loans, with penalty provisions.

SB 1148—By Yeckel.

An Act to amend chapter 37, RSMo, by adding thereto two new sections relating to the creation of the property preservation fund.

RESOLUTIONS

Senator Schneider offered the following resolution:

Notice of Proposed Rule Change

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

SENATE RESOLUTION NO. 1028

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 50. Referrals of bills and appointments to committee shall be made by the president pro tem; and no bill shall be considered for final passage unless it has been reported on by a committee and printed for the use of the senators. A report of all bills recommended “do pass” by a committee shall be submitted to the senate by the chairman and all committee amendments accompanying the report shall be printed in the Journal.

After a bill has been referred to a committee, one-third of the

senators elected has the power to relieve a committee of further consideration of a bill and place it on the calendar for consideration. In any case where a committee has been relieved of further consideration of a bill as herein provided, a majority of the senators present but not less than one-third of the senators elected, may, at any time before final passage thereof, again refer the bill to the same or some other committee for consideration. No bill or resolution shall be reported adversely by any committee until the author of the bill or resolution has been given an opportunity to appear and be heard before the committee to which it is referred.

One-third of the senators elected may relieve a committee of an appointment and a motion to grant advice and consent of the Senate to that appointment is then in order at any time that a question is not pending or a Senator speaking.”.

REPORTS OF STANDING COMMITTEES

Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which was referred **SB 974**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Childers, Chairman of the Committee on Local Government and Economic Development, submitted the following reports:

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 885**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 988**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which

was referred **SB 992**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 993**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Local Government and Economic Development, to which was referred **SB 997**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Education, to which was referred **SB 756**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 718**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1048**,

begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 945**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 918**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 831**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 812**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 760**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 903**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 729**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 690**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

On behalf of Senator Gross, Chairman of the Committee on Pensions and General Laws, Senator Kenney submitted the following reports:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1001**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which were referred **SB 817**, **SB 978** and **SB 700**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Foster, Chairman of the Committee on Agriculture, Conservation, Parks and Tourism, Senator Kenney submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Tourism, to which were referred **SB 837**, **SB 866**, **SB 972** and **SB 990**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

REFERRALS

President Pro Tem Kinder referred **SCR 44**, **HCR 5**, **HCR 6** and **HCR 7** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 1029, regarding Lloyd Brown, Fenton, which was adopted.

Senator Stoll offered Senate Resolution No. 1030, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joseph Tucek, Arnold, which was adopted.

Senator Foster offered Senate Resolution No. 1031, regarding Dennis Eugene Eldridge, Jr., Piedmont, which was adopted.

Senator Foster offered Senate Resolution No. 1032, regarding John Paul “J.P.” Manetz, Piedmont, which was adopted.

Senator Foster offered Senate Resolution No. 1033, regarding Cole Jason “C.J.” Sheets, Piedmont, which was adopted.

Senator Foster offered Senate Resolution No. 1034, regarding Jonathan Tim Miller, Piedmont, which was adopted.

Senator Foster offered Senate Resolution No. 1035, regarding Jason David Littles, Piedmont, which was adopted.

Senator Gross offered Senate Resolution No. 1036, regarding Roger David Barnhill, Lake Saint Louis, which was adopted.

On motion of Senator Kenney, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Maxwell.

THIRD READING OF SENATE BILLS

SB 745, with **SCS**, introduced by Senator Russell, entitled:

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

Was called from the Consent Calendar and taken up.

SCS for **SB 745**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 745

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

Was taken up.

Senator Russell moved that **SCS** for **SB 745** be adopted, which motion prevailed.

On motion of Senator Russell, **SCS** for **SB 745** 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	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

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

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

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

SB 669, with **SCS**, introduced by Senator Bentley, entitled:

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to political subdivisions.

Was called from the Consent Calendar and taken up.

SCS for **SB 669**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 669

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to community improvement districts.

Was taken up.

Senator Bentley moved that **SCS** for **SB 669** be adopted, which motion prevailed.

On motion of Senator Bentley, **SCS** for **SB 669** was read the 3rd time and passed 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	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senator Bland—1

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

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

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

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

SB 726, introduced by Senator Childers, entitled:

An Act to repeal section 9.130, RSMo, relating to Emergency Services Day, and to enact in lieu thereof one new section relating to the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Childers, **SB 726** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bentley Gross—2

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

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

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

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

INTRODUCTION OF BILLS

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

SB 1149—By Singleton.

An Act to repeal section 149.065, RSMo, and to enact in lieu thereof three new sections relating to the fund for lifelong health, with a referendum clause.

SB 1150—By Kinder.

An Act to amend chapter 34, RSMo, by adding thereto five new sections relating to attorneys.

SB 1151—By Kinder.

An Act to repeal section 94.875, RSMo, relating to tourism tax trust funds in certain cities, and to enact in lieu thereof one new section relating to the same subject.

SENATE BILLS FOR PERFECTION

Senator Singleton moved that **SB 712**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 712**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 712

An Act to repeal sections 44.010, 44.100, 105.711, 190.500, 192.320, 473.697 and 490.620, and to enact in lieu thereof eleven new sections relating to state emergency health powers, with an emergency clause and penalty provisions.

Was taken up.

Senator Singleton moved that **SCS** for **SB 712** be adopted.

Senator Singleton offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate

Bill No. 712, Page 5, Section 44.240, Line 33, by inserting after all of said line the following:

“44.500. 1. Any volunteer who is authorized by a state agency or its designee to respond to an emergency declared pursuant to this chapter shall be accorded the protection of the legal expense fund and other provisions pursuant to section 105.711, RSMo.

2. Any authorized volunteer pursuant to this section shall not be liable for any acts committed in the performance of their official duties as emergency volunteers except in the case of willful misconduct or gross negligence.

3. As used in this section, “volunteer” means any person who, of the person's own free will, performs any assigned duties for the state agency with no monetary or material compensation.

4. Any person serving as a volunteer may be terminated from service in such capacity by the director of the state agency.”; and

Further amend said bill, Pages 5 to 9, Section 105.711, by striking said section from the bill; and

Further amend said bill, Page 10, Section 190.500, Line 12, by striking “state public health” and further amend said line by inserting after the word “emergency” the following: **“as defined in section 44.010, RSMo,”**; and

Further amend said bill, Page 11, Section 192.320, Line 4, by removing the opening bracket “[” before the word “or” and inserting the opening bracket “[” before “192.600”; and

Further amend the title and enacting clause accordingly.

Senator Singleton moved that the above amendment be adopted.

Senator Rohrbach assumed the Chair.

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

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

Amend Senate Committee Substitute for Senate Bill No. 712, Page 5, Section 44.240, Lines 7-33, by deleting all of said lines.

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

Senator Klindt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 712, Page 2, Section 44.010, Line 21, by deleting the following words “or imminent threat” and further amend said bill, section 44.100, page 3, lines 7 and 8 by deleting the following: “or there exists an imminent threat thereof”.

Senator Klindt moved that the above amendment be adopted.

Senator Jacob offered **SSA 1** for **SA 2**, which was read:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 712, Page 3, Section 44.100, Line 7, by adding after the word “proportions” the following: “**or act of biological terrorism**”.

Senator Jacob moved that the above substitute amendment be adopted.

At the request of Senator Jacob, **SSA 1** for **SA 2** was withdrawn.

SA 2 was again taken up.

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

Senator Klindt offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 712, Page 11, Section 192.021, Lines 16-26, by deleting all of said lines; and

Further renumber remaining subsections

accordingly.

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

Senator Sims offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 712, Page 1, Section A, Line 4, by inserting after all of said line the following:

“38.050. 1. There is established a joint committee of the general assembly to be known as the “Joint Committee on Terrorism, Bioterrorism, and Homeland Security” to be composed of seven members of the senate and seven members of the house of representatives. The senate members of the joint committee shall be appointed by the president pro tem and minority floor leader of the senate and the house members shall be appointed by the speaker and minority floor leader of the house of representatives. The appointment of each member shall continue during the member's term of office as a member of the general assembly or until a successor has been appointed to fill the member's place when his or her term of office as a member of the general assembly has expired. No party shall be represented by more than four members from the house of representatives nor more than four members from the senate. A majority of the committee shall constitute a quorum, but the concurrence of a majority of the members shall be required for the determination of any matter within the committee's duties.

2. The joint committee shall:

(1) Make a continuing study and analysis of all state government terrorism, bioterrorism, and homeland security efforts;

(2) Devise a standard reporting system to obtain data on each state government agency that will provide information on each agency's terrorism, bioterrorism, and homeland security

status at least biennially;

(3) Determine from its study and analysis the need for changes in statutory law; and

(4) Make any other recommendation to the general assembly necessary to provide adequate terrorism, bioterrorism, and homeland security to the citizens of the state of Missouri.

3. The joint committee shall meet within thirty days after its creation and organize by selecting a chairperson and a vice chairperson, one of whom shall be a member of the senate and the other a member of the house of representatives. The chairperson shall alternate between members of the house and senate every two years after the committee's organization.

4. The committee shall meet at least quarterly. The committee may meet at locations other than Jefferson City when the committee deems it necessary.

5. The committee shall be staffed by legislative personnel as is deemed necessary to assist the committee in the performance of its duties.

6. The members of the committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties.

7. It shall be the duty of the committee to compile a full report of its activities for submission to the general assembly. The report shall be submitted not later than the fifteenth of January of each year in which the general assembly convenes in regular session and shall include any recommendations which the committee may have for legislative action as well as any recommendations for administrative or procedural changes in the internal management or organization of state or local government agencies and departments. Copies of the report containing such recommendations shall be sent to the appropriate directors of state

or local government agencies or departments included in the report.

8. The provisions of this section shall expire on December 31, 2007.”; and

Further amend the title and enacting clause accordingly.

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

Senator Gross offered SA 5:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 712, Page 13, Section 490.620, Line 8, by inserting after all of said line the following:

“610.021. Except to the extent disclosure is otherwise required by law, a public governmental body is authorized to close meetings, records and votes, to the extent they relate to the following:

(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving a public governmental body or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of a public government body as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of section 610.011, however, the amount of any moneys paid by, or on behalf of, the public governmental body shall be disclosed; provided, however, in matters involving the exercise of the power of eminent domain, the

vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record;

(2) Leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefor. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate by a public governmental body shall be made public within seventy-two hours after execution of the lease, purchase or sale of the real estate;

(3) Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken by a public governmental body, to hire, fire, promote or discipline an employee of a public governmental body must be made available with a record of how each member voted to the public within seventy-two hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two-hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees;

(4) The state militia or national guard or any part thereof;

(5) Nonjudicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment;

(6) Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records

maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen years;

(7) Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;

(8) Welfare cases of identifiable individuals;

(9) Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups;

(10) Software codes for electronic data processing and documentation thereof;

(11) Specifications for competitive bidding, until either the specifications are officially approved by the public governmental body or the specifications are published for bid;

(12) Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected;

(13) Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such;

(14) Records which are protected from disclosure by law;

(15) Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest;

(16) Records relating to municipal hot lines established for the reporting of abuse and wrongdoing;

(17) Confidential or privileged communications between a public governmental body and its auditor, including all auditor work product; [and]

(18) In preparation for and implementation of electric restructuring, a municipal electric utility may close that portion of its financial records and business plans which contains information regarding the name of the suppliers of services to said utility and the cost of such services, and the records and business plans concerning the municipal electric utility's future marketing and service expansion areas. However, this exception shall not be construed to limit access to other records of a municipal electric utility, including but not limited to the names and addresses of its business and residential customers, its financial reports, including but not limited to its budget, annual reports and other financial statements prepared in the course of business, and other records maintained in the course of doing business as a municipal electric utility. This exception shall become null and void if the state of Missouri fails to implement by December 31, 2001, electric restructuring through the adoption of statutes permitting the same in this state; and

(19) **Specific information on existing or proposed security systems or security vulnerabilities for any building or property owned or leased by a public governmental body. Such records may include photographs, schematic diagrams, recommendations, or consultations made to analyze or enhance security of the building or property. Information related to the total costs budgeted and expended to protect such structures and systems shall not be a closed record pursuant to this subdivision and such disclosures shall not specifically identify buildings, sites or specific purposes of the expenditures. This exception shall become null and void on December 31, 2007.**"; and

Further amend the title and enacting clause accordingly.

Senator Gross moved that the above amendment be adopted.

Senator Bentley offered SA 1 to SA 5:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Committee Substitute for Senate Bill No. 712, Page 4, Section 610.021, Line 15 of said page, by inserting immediately before the word "In" an opening bracket "["; and

Further amend said amendment, page 5, line 3 of said page, by inserting immediately after the word "state" the following:

"] (a) A municipal utility receiving a public records request for information considered to be proprietary, highly confidential, critical to security of the utility, or for a public record that would compromise the security of the utility system, may, within thirty days of such request, provide the requested material or file a motion pursuant to this subsection with the circuit court having jurisdiction over the municipal utility, stating that the competitive position or security of the utility would be materially jeopardized or compromised by release of the requested material. If, based on such motion, the court finds for the municipal utility, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this subsection.

(b) Any person may bring an action pursuant to this section in the circuit court having jurisdiction to authorize disclosure of the information requested, which would otherwise be closed pursuant to this section. The court may order that all or part of the information requested be released to the person bringing the action. In making the determination as to whether the requested information shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public or to the municipal

utility in regard to the need to effectively operate the municipal utility. The records in question may be examined by the court in camera. The court may find that the party seeking disclosure shall bear the reasonable and necessary costs and attorney fees of both parties, unless the court finds that the decision of the municipal utility not to open its records was substantially unjustified under all relevant circumstances, and in that event, the court may assess such reasonable and necessary costs and attorney's fees to the municipal utility.

(c) If the court finds by a preponderance of the evidence that the municipal utility has purposely violated this section, the records custodian of the municipal utility, or the municipal utility shall be subject to a civil penalty in an amount not to exceed five hundred dollars and the court shall order payment by such individual or municipal utility of all costs and attorney fees as provided by section 610.027, RSMo”.

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

SA 5, as amended, was again taken up.

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

Senator Gibbons offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 712, Page 3, Section 44.100, Line 9, by adding at the end of said line the following: “or an act of bioterrorism that presents a clear and present danger to the safety and welfare of the inhabitants of this state that requires an invocation of the provisions of this section”.

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

Senator Singleton offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 712, Pages 5 to 9, Section 105.711, by striking said section from the bill; and

Further amend said bill, Page 10, Section 190.500, Line 12, by striking “state public health” and further amend said line by inserting after the word “emergency” the following: “**as defined in section 44.010, RSMo,**”; and

Further amend said bill, Page 11, Section 192.320, Line 4, by removing the opening bracket “[” before the word “or” and inserting the opening bracket “[” before “192.600”; and

Further amend the title and enacting clause accordingly.

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

Senator Caskey offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for Senate Bill No. 712, Page 10, Section 192.021, Line 13 by striking the word “may” and inserting in lieu thereof the following: “**are reasonably suspected to**”.

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

Senator Singleton moved that **SCS** for **SB 712**, as amended, be adopted, which motion prevailed.

On motion of Senator Singleton, **SCS** for **SB 712**, as amended, was declared perfected and ordered printed.

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 **HB 1151**, entitled:

An Act to repeal section 469.411, RSMo, and to enact in lieu thereof one new section relating to disclaimers of property.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

CONCURRENT RESOLUTIONS

Senator Dougherty moved that **SCR 37** be taken up adoption, which motion prevailed.

Senator Gross assumed the Chair.

On motion of Senator Dougherty, **SCR 37** 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	Staples
Steelman	Stoll	Westfall	Wiggins
Yeckel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

RESOLUTIONS

Senator Stoll offered Senate Resolution No. 1037, regarding the Mid-East Area Agency on Aging Quad-City Senior Center, Crystal City, which was adopted.

Senator Stoll offered Senate Resolution No. 1038, regarding the Kimmswick Historical Society, Kimmswick, which was adopted.

Senator Stoll offered Senate Resolution No. 1039, regarding Harold R. Oetting, Festus, which

was adopted.

Senator Gibbons offered Senate Resolution No. 1040, regarding Melissa Tumminia, St. Louis, which was adopted.

Senator Gibbons offered Senate Resolution No. 1041, regarding Jim Brady, Shrewsbury, which was adopted.

Senator Gibbons offered Senate Resolution No. 1042, regarding Joan McGivney, Webster Groves, which was adopted.

Senators Gibbons and Yeckel offered Senate Resolution No. 1043, regarding Ryan Michael FitzPatrick, Ballwin, which was adopted.

Senator Yeckel offered Senate Resolution No. 1044, regarding Anthony Gragnani, St. Louis, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Tracy Allison, St. Louis.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Stevan Whitt, M.D., Columbia.

Senator Johnson introduced to the Senate, Brian Wilson, Kansas City.

Senator Kenney introduced to the Senate, two hundred American Cancer Society volunteers and staff from around the state.

Senator Dougherty introduced to the Senate, Pat Viveros, St. Louis.

Senator Bentley introduced to the Senate, Chris Davis, Justin Powell, Todd Sell, Erica Kasterke, Courtney Herren, Lane Teters, Charlotte Mistler and Stephanie Hensley, members of Teens Against Teenage Use, and Carolyn Barnes, Springfield.

Senator Rohrbach introduced to the Senate, Learn and Serve students from Tri-County Technical School, Eldon.

Senator Klarich introduced to the Senate, Paul and Alicia Matteucci, and their children, Georgiana Nicula, Florina Nicula, Madalina Caplagea, Ionut Nicula, Gheorghe Dragomir and Daniel Costin Nicula, Chesterfield; and Georgiana, Florina, Madalina, Ionut, Gheorghe and Daniel were made honorary pages.

Senator Stoll introduced to the Senate, William Brooks, Imperial; Maureen Thoendel and Rebecca Moore, Festus; Erin Peirce and Amber Parks, DeSoto; and Karen Huskey, Hillsboro.

Senator Gross introduced to the Senate, Julia Eckstein and Hope Woodson, St. Charles; and Christa Hansen, O'Fallon.

Senator Gibbons introduced to the Senate, Mayor Pat Kelly and his niece, Sarah McBride, and City Manager Robert Shelton, Brentwood.

Senator Childers introduced to the Senate, Art Hegi, Shell Knob.

Senator Caskey introduced to the Senate, Christy and Zac Maggi, Clinton.

Senator Bentley introduced to the Senate, Beth Noble, Springfield.

Senator Kenney introduced to the Senate, Representative Chuck Portwood, St. Louis County.

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

Unofficial
SENATE CALENDAR

TWENTY-FIRST DAY—WEDNESDAY, FEBRUARY 13, 2002

Journal
FORMAL CALENDAR
SECOND READING OF SENATE BILLS

SB 1128-Johnson
SB 1129-Johnson
SB 1130-House
SB 1131-Gibbons
SB 1132-Kennedy
SB 1133-Gross
SB 1134-Yeckel
SB 1135-Yeckel and Loudon
SB 1136-Bentley and Stoll
SB 1137-Bentley
SB 1138-Childers
SB 1139-Sims
SB 1140-Rohrbach
SB 1141-Bland

SB 1142-Jacob
SB 1143-Jacob
SB 1144-Dougherty
SB 1145-Schneider, et al
SB 1146-Schneider
SB 1147-Kennedy
SB 1148-Yeckel
SB 1149-Singleton
SB 1150-Kinder
SB 1151-Kinder
SJR 34-Gibbons
SJR 35-Jacob

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HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al
 HS for HB 1399-Ransdall
 HCS for HB 1154

HB 1519-Boucher
 HB 1192-Harding and Boucher
 HB 1151-Smith

SENATE BILLS FOR PERFECTION

- | | |
|----------------------------------------------------------------------|---------------------------------------------------|
| 1. SB 1009-Rohrbach,
with SCS | 10. SBs 721, 757, 818 &
930-Westfall, with SCS |
| 2. SBs 970, 968, 921, 867,
868 & 738-Westfall, et al,
with SCS | 11. SB 665-Kenney |
| 3. SB 931-Klarich, with SCS | 12. SB 836-Gross and
Dougherty, with SCS |
| 4. SB 722-Bentley, with SCS | 13. SB 840-Gross and
Russell, with SCS |
| 5. SB 856-Russell | 14. SB 740-Wiggins |
| 6. SB 895-Yeckel and Gross | 15. SB 687-Gibbons and Yeckel |
| 7. SB 675-Yeckel, et al,
with SCS | 16. SB 959-Kenney and
Kinder, with SCS |
| 8. SB 881-Steelman and
Yeckel, with SCS | 17. SBs 817, 978 & 700-
Gross, with SCS |
| 9. SBs 641 & 705-Russell,
et al, with SCS | 18. SBs 837, 866, 972,
990-Cauthorn, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|------------------------------------------------------|------------------------------------------------------------------|
| SB 651-Singleton and
Russell, with SCS (pending) | SB 668-Bentley, with SS &
SA 1 (pending) |
| SB 659-House and Kenney,
with SS#2 (pending) | SBs 958 & 657-Kinder,
with SCS |
| SB 660-Westfall, et al,
with SCS (pending) | SJR 23-Singleton, with SS,
SA 1 & SSA 1 for SA 1
(pending) |
| SBs 662 & 704-Westfall,
with SCS & SA 3 (pending) | |

CONSENT CALENDAR

Senate Bills

Reported 1/28

SB 896-Yeckel

Reported 1/29

SB 702-Caskey

SB 776-House, with SCS

SB 695-Dougherty and Sims

Reported 1/30

SB 749-Goode

Reported 1/31

SB 813-Mathewson

Reported 2/4

SB 656-Rohrbach, with SCS

SB 798-Westfall

SB 893-Rohrbach

SB 865-Foster and Kinder

SB 804-DePasco, with SCS

SB 639-Caskey

SB 645-Mathewson, with

SB 932-Klarich

SCS

SB 742-Caskey, with SCA 1

SB 891-Kenney

SB 860-Rohrbach

Reported 2/5

SB 708-Mathewson

SB 995-Rohrbach

Reported 2/12

SB 974-Childers and Westfall

SB 885-Bentley, with SCS

SB 988-Caskey
 SB 992-Johnson
 SB 993-Rohrbach
 SB 997-Quick, with SCS
 SB 756-Westfall, with SCS
 SB 718-House and Steelman
 SB 1048-Kenney
 SB 945-Stoll, with SCS

SB 918-Klarich, with SCS
 SB 831-Loudon and Kennedy
 SB 812-Russell
 SB 760-Yeckel
 SB 903-Klindt
 SB 729-Yeckel, with SCS
 SB 690-Gross
 SB 1001-Mathewson

RESOLUTIONS

SR 1026-Jacob

SR 1028-Schneider

Unofficial

To be Referred

SCR 45-Gross

Reported from Committee

SCR 38-Klarich

Journal

SCR 35-Stoll

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