

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-SECOND DAY—THURSDAY, FEBRUARY 14, 2002

The Senate met pursuant to adjournment.

Staples

Steelman

Stoll

Westfall

President Maxwell in the Chair.

Wiggins

Yeckel—34

Reverend Carl Gauck offered the following prayer:

Absent with leave—Senators—None

“Heavenly Father, on this proclaimed day of Love, teach us how to love one another, how to forgive one another and share the joys and laughter of our lives with one another. And as we return home to those You have given to us bind us with the cord of love that cannot be broken and unleash in us a care and love for our community, our state and our country that Your loving presence may be made known among us. Amen.

The Lieutenant Governor was present.

RESOLUTIONS

Senator Quick offered Senate Resolution No. 1056, regarding the Liberty School District “Challenge: Cycles for Differentiation” Program, which was adopted.

The Pledge of Allegiance to the Flag was recited.

Senator Quick offered Senate Resolution No. 1057, regarding the Antioch Middle School “Peer Mediation Keeps the Peace” Program, which was adopted.

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

Senator Rohrbach offered the following resolution, which was adopted:

The Journal of the previous day was read and approved.

The following Senators were present during the day's proceedings:

SENATE RESOLUTION NO. 1058

Present—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Quick	Rohrbach
Russell	Schneider	Sims	Singleton

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which

helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate, hereby grant the participants of the Silver Haired Legislature permission to use the Senate chamber for the purpose of their regular session the entire day of October 30, 2002 and until 1:00 p.m. on November 1, 2002.

Senator Singleton offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 1059

WHEREAS, the members of the Missouri Senate are proud to applaud the noteworthy endeavors of an outstanding young Missouri citizen who has demonstrated exceptional leadership in service to her community and her fellow citizens; and

WHEREAS, it is with special pleasure that this legislative body pauses to recognize Sarah Cawyer of Oronogo, Missouri, who has been selected as one of six Distinguished Finalists for 2002 in The Prudential Spirit of Community Awards; and

WHEREAS, The Prudential Spirit of Community Awards are presented annually by The Prudential Insurance Company of America and the National Association of Secondary School Principals (NASSP) as a means of honoring young people across America for self-initiated community service activities; and

WHEREAS, now in its seventh year, The Prudential Spirit of Community Awards were created to encourage young people to play an integral role in their community through volunteer activity; and

WHEREAS, one of many middle and high school students considered for this year's awards, Sarah Cawyer will receive an engraved Bronze Medallion for her impressive community service activities; and

WHEREAS, Sarah Cawyer is a ninth-grade, home-schooled student and member of the Jasper County 4-H program in Carthage who joined a group of 4-H members to make thirty-nine weighted blankets and twenty-four weighted vests for autistic children who will benefit from the garments when they are agitated or overly active; and

WHEREAS, the success of the Show-Me State, the strength of the Oronogo community, and the overall vitality of American society have been refined by such exemplary young women as Sarah Cawyer, who has utilized her remarkable skill and considerable talent to serve others:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-first General Assembly, unanimously join in commending and applauding Sarah Cawyer for the tremendous success she has enjoyed in earning a Bronze Medallion for her volunteer work, and in expressing our deepest gratitude for her unwavering commitment towards overall betterment of her community; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for Sarah Cawyer.

INTRODUCTION OF BILLS

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

SB 1162—By Wiggins, DePasco, Kenney, Quick, Kinder, Coleman, Jacob, Sims, Dougherty and Kennedy.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to sports and cultural facilities development.

SB 1163—By Steelman.

An Act to repeal 643.220, RSMo, relating to the air emissions banking and trading program, and to enact in lieu thereof one new section relating to the same subject.

SB 1164—By Coleman, Kennedy, Dougherty, Staples, Sims, Yeckel, Jacob, Kinder and Wiggins.

An Act to amend chapter 67, RSMo, by adding thereto twenty-one new sections relating to the sports center redevelopment authority act.

SB 1165—By Mathewson, Johnson and Childers.

An Act to repeal sections 281.240 and 281.260, RSMo, relating to pesticide, and to enact in lieu thereof three new sections relating to the same subject.

SB 1166—By DePasco.

An Act to amend chapter 320, RSMo, by adding thereto ten new sections relating to regulation of chimney sweeps, with penalty provisions.

SB 1167—By Gibbons, Schneider, Goode, Sims, Yeckel and Loudon.

An Act to repeal section 99.847, RSMo, and to enact in lieu thereof one new section relating to reimbursement for providing emergency services.

THIRD READING OF SENATE BILLS

SB 776, with **SCS**, introduced by Senator House, entitled:

An Act to amend chapter 166, RSMo, by adding thereto one new section relating to the privacy of personal information of participants in the Missouri higher education savings program.

Was called from the Consent Calendar and taken up.

SCS for **SB 776**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 776

An Act to repeal section 166.415, RSMo, and to enact in lieu thereof two new sections relating to the Missouri higher education savings program.

Was taken up.

Senator Gross assumed the Chair.

Senator House moved that **SCS** for **SB 776** be adopted, which motion prevailed.

On motion of Senator House, **SCS** for **SB 776** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Singleton—1

Absent—Senators

Bentley Quick Schneider—3

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 749, introduced by Senator Goode, entitled:

An Act to repeal sections 21.250 and 116.050, RSMo, relating to powers of the general assembly, 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 Goode, **SB 749** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Loudon
Mathewson	Quick	Rohrbach	Russell
Schneider	Sims	Singleton	Stelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators

Klindt Staples—2

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 813, introduced by Senator Mathewson, entitled:

An Act to repeal section 163.191, RSMo, and to enact in lieu thereof one new section relating to appropriations for community college district maintenance funds.

Was called from the Consent Calendar and taken up.

On motion of Senator Mathewson, **SB 813** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Johnson	Kennedy	Kenney
Kinder	Klarich	Klindt	Loudon
Mathewson	Rohrbach	Russell	Schneider
Sims	Singleton	Staples	Steelman
Stoll	Westfall	Wiggins	Yeckel—32

NAYS—Senators—None

Absent—Senators

Jacob	Quick—2
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Absent with leave—Senators—None

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 656, with **SCS**, introduced by Senator Rohrbach, entitled:

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to the interpretation of insurance materials.

Was called from the Consent Calendar and taken up.

SCS for **SB 656**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 656

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to the interpretation of insurance materials, with penalty provisions.

Was taken up.

Senator Rohrbach moved that **SCS** for **SB 656** be adopted, which motion prevailed.

On motion of Senator Rohrbach, **SCS** for **SB 656** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	DePasco	Dougherty
Foster	Gibbons	Goode	Gross
House	Jacob	Johnson	Kennedy
Kenney	Kinder	Klarich	Klindt
Loudon	Mathewson	Rohrbach	Russell
Schneider	Sims	Singleton	Staples
Steelman	Stoll	Westfall	Wiggins—32

NAYS—Senators—None

Absent—Senators

Quick	Yeckel—2
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Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 893, introduced by Senator Rohrbach, entitled:

An Act to repeal section 376.307, RSMo, relating to life insurance company investments, and to enact in lieu thereof one new section relating to

Unofficial

Bill

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the same subject.

Was called from the Consent Calendar and taken up.

On motion of Senator Rohrbach, **SB 893** was read the 3rd time and passed by the following vote:

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

NAYS—Senators—None

Absent—Senators

Kinder	Quick	Yeckel—3
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Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 804, with **SCS**, introduced by Senator DePasco, entitled:

An Act to authorize the conveyance of certain property interests to the city of Kansas City.

Was called from the Consent Calendar and taken up.

SCS for **SB 804**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 804

An Act to authorize the conveyance of certain property interests to the city of Kansas City.

Was taken up.

Senator DePasco moved that **SCS** for **SB 804**

be adopted, which motion prevailed.

On motion of Senator DePasco, **SCS** for **SB 804** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bentley	Bland	Caskey	Cauthorn
Childers	Coleman	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—33			

NAYS—Senators—None

Absent—Senator Yeckel—1

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

REPORTS OF STANDING COMMITTEES

Senator Kenney, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 760**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 945**, with **SCS**, respectfully

requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 988**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 903**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

REFERRALS

President Pro Tem Kinder referred **SCR 46** and **SR 1054** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 13, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Kennard O. Whitfield, 507 Hinsdale Court, Rock Hill, St. Louis County, Missouri 63119, as a member of the Missouri Seismic Safety Commission, for a term ending August 11, 2004, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 13, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Carol A. Wilson, Republican, 6539 Itaska, St. Louis City, Missouri 63109, as Secretary and a member of the Board of Election Commissioners for St. Louis City, for a term ending January 1, 2005, and until her successor is duly appointed and qualified; vice, Judy Zakibe, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 13, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Jacquelyn B. Garrett, 1101 Courtwood Circle, Ballwin, St. Louis County, Missouri 63011, as a member of the Drug Utilization Review Board, for a term ending October 15, 2003, and until her successor is duly appointed and qualified; vice, Randall Huss, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 14, 2002

TO THE SENATE OF THE 91st GENERAL ASSEMBLY
OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Kevin N. Callaway to the Board of Regents for Missouri Western State College, submitted on January 24, 2002. Line 1 should be

amended to read as follows:

Kevin N. Callaway, 8033 North Flora, Kansas City, Clay County, Missouri 64118

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointments and addendum to the Committee on Gubernatorial Appointments.

INTRODUCTIONS OF GUESTS

On behalf of Senator Stoll and herself, Senator Sims introduced to the Senate, Carol Kurtz, Jefferson County; and Scott Lowder, Kansas.

Senator Singleton introduced to the Senate, fourth grade teachers Jacqueline Clark and Melanie Martin; and students, Brittany Allison, Marcus and Matthew Baca, Andrew Boyer, Samantha Burdge, Samantha Burnett, Raeshele Dollar, Tucker Fenix, Patrick Hernandez, Nicole Hulbert, Ciara Huntley, Kaleb Lankford, Richard Lucas, Joshua & Victoria Marrs, Erica Reynolds, Bradley Whitman and Jacqueline Yust; third grade teacher, Angie Mittag; and students, Levi Adams, Ty Barrett, Katilyn Bates, Katie Besser, Haylee Blankenship, Naisa

and Sarah Boyer, Casey Ewing, David Friend, Alisha Gray, Austin Jorgensen, Nikolas Merriman, Justin Morgan, Spencer Murray, Kyle Myers, Courtney Quick, Bailey Smith, Megan and Wade Sparks, Cierra Varela and Axl Bragg, Westview Elementary, Neosho.

Senator Childers introduced to the Senate, Gary and Joyce Gabel, Howell County.

Senator House introduced to the Senate, Major Robert Thomson, Major David Stewart, Dr. Edward MacAlmon, Mr. Herman Kreigshauser, Mrs. Shelly Baldinger, Ms. Diana Lynn Doering and Mrs. Mary Ann Noble with the Salvation Army.

Senator House introduced to the Senate, Frank Thouvenot and forty students from Living Word Elementary School, St. Charles County.

Senator Bentley introduced to the Senate, Gordon, Mona, Lauren and Matt McCann, Springfield; and Lauren and Matt were made honorary pages.

On motion of Senator Kenney, the Senate adjourned until 4:00 p.m., Monday, February 18, 2002.

SENATE CALENDAR

TWENTY-THIRD DAY—MONDAY, FEBRUARY 18, 2002

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 1153-Gibbons
SB 1137-Bentley	SB 1154-Gibbons
SB 1138-Childers	SB 1155-Gibbons
SB 1139-Sims	SB 1156-Steelman
SB 1140-Rohrbach	SB 1157-Klindt
SB 1141-Bland	SB 1158-Rohrbach, et al
SB 1142-Jacob	SB 1159-Rohrbach and Russell
SB 1143-Jacob	SB 1160-Sims
SB 1144-Dougherty	SB 1161-Rohrbach, et al
SB 1145-Schneider, et al	SB 1162-Wiggins, et al
SB 1146-Schneider	SB 1163-Steelman
SB 1147-Kennedy	SB 1164-Coleman, et al
SB 1148-Yeckel	SB 1165-Mathewson, et al
SB 1149-Singleton	SB 1166-DePasco
SB 1150-Kinder	SB 1167-Gibbons, et al
SB 1151-Kinder	SJR 34-Gibbons
SB 1152-Klarich	SJR 35-Jacob

HOUSE BILLS ON SECOND READING

HB 1338-Relford, et al	HB 1192-Harding and Boucher
HS for HB 1399-Ransdall	HB 1151-Smith
HCS for HB 1154	HCS for HBs 1134, 1100 &
HB 1519-Boucher	1559

THIRD READING OF SENATE BILLS

SCS for SB 712-
Singleton and Sims
(In Budget Control)

SENATE BILLS FOR PERFECTION

- | | |
|--|-----------------------------|
| 1. SB 1009-Rohrbach, with SCS | 3. SB 931-Klarich, with SCS |
| 2. SBs 970, 968, 921, 867,
868 & 738-Westfall,
et al, with SCS | 4. SB 722-Bentley, with SCS |
| | 5. SB 856-Russell |
| | 6. SB 895-Yeckel and Gross |

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|---|---|
| 7. SB 675-Yeckel, et al,
with SCS | 15. SB 687-Gibbons and
Yeckel |
| 8. SB 881-Steelman and
Yeckel, with SCS | 16. SB 959-Kenney and
Kinder, with SCS |
| 9. SBs 641 & 705-Russell,
et al, with SCS | 17. SBs 817, 978 & 700-
Gross, with SCS |
| 10. SBs 721, 757, 818 &
930-Westfall, with SCS | 18. SBs 837, 866, 972 &
990-Cauthorn, with SCS |
| 11. SB 665-Kenney | 19. SBs 688, 663, 691, 716,
759, 854 & 955-Gibbons,
et al, with SCS |
| 12. SB 836-Gross and
Dougherty, with SCS | 20. SBs 894, 975 & 927-
Kinder, with SCS |
| 13. SB 840-Gross and
Russell, with SCS | |
| 14. SB 740-Wiggins | |

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INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | | |
|--|------|--|
| SB 651-Singleton and
Russell, with SCS (pending) | Bill | 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 4 (pending) | | |

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CONSENT CALENDAR

Senate Bills

Reported 2/4

- | | |
|----------------------------|--------------------------|
| SB 645-Mathewson, with SCS | SB 798-Westfall |
| SB 891-Kenney | SB 865-Foster and Kinder |

SB 639-Caskey
SB 932-Klarich

SB 742-Caskey, with SCA 1
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 992-Johnson
SB 993-Rohrbach
SB 997-Quick, with SCS
SB 756-Westfall, with SCS
SB 718-House and Steelman

SB 1048-Kenney
SB 918-Klarich, with SCS
SB 831-Loudon and Kennedy
SB 812-Russell
SB 729-Yeckel, with SCS
SB 690-Gross
SB 1001-Mathewson

RESOLUTIONS

SR 1026-Jacob, with SA 1
(pending)

SR 1028-Schneider

Reported from Committee

SCR 38-Klarich

SCR 35-Stoll

