

Journal of the Senate

FIRST REGULAR SESSION

SEVENTH DAY—TUESDAY, JANUARY 21, 2003

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

“Cast thy burden upon the Lord, and he shall sustain thee.”
(Psalm 55:22)

Dear Lord, it is still early in the life of this session and yet we feel the burden and weight of the problems that face our state and we ask You for strength to overcome them and to make the most of our limited resources. 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 for Thursday, January 16, 2003, was read and approved.

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

Present—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	DePasco	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott
Shields	Steelman	Stoll	Vogel
Wheeler	Yeckel—34		

Absent with leave—Senators—None

RESOLUTIONS

Senator Cauthorn offered Senate Resolution No. 39, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Howard Kuntemeyer, Monroe City, which was adopted.

Senator Cauthorn offered Senate Resolution No. 40, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Brown, St. Patrick, which was adopted.

Senator Cauthorn offered Senate Resolution No. 41, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. H. Dean Yearn, Queen City, which was adopted.

Senator Cauthorn offered Senate Resolution No. 42, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Kenny Daum, Centralia, which was adopted.

Senator Cauthorn offered Senate Resolution No. 43, regarding Corrections Officer I Mark Piper, Pittsfield, Illinois, which was adopted.

Senator Cauthorn offered Senate Resolution No. 44, regarding Corrections Officer I Mike Piper, Pittsfield, Illinois, which was adopted.

Senator Cauthorn offered Senate Resolution No. 45, regarding Corrections Officer I Linda Heightman, Pittsfield, Illinois, which was adopted.

Senator Cauthorn offered Senate Resolution No. 46, regarding Corrections Officer I John

Wilson, Sr., Hull, Illinois, which was adopted.

Senator Cauthorn offered Senate Resolution No. 47, regarding Corrections Classification Assistant Regina Stephens Brehm, Pittsfield, Illinois, which was adopted.

Senator Cauthorn offered Senate Resolution No. 48, regarding Corrections Officer I Rhonda Motley Hanson, Rockport, Illinois, which was adopted.

Senator Cauthorn offered Senate Resolution No. 49, regarding Corrections Officer I Gary Davis, Pittsfield, Illinois, which was adopted.

Senator Cauthorn offered Senate Resolution No. 50, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. David Smith, Newark, which was adopted.

Senator Cauthorn offered Senate Resolution No. 51, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leslie B. Long, Hannibal, which was adopted.

Senators Dougherty, Kennedy and Coleman offered Senate Resolution No. 52, regarding the 6025th Garrison Support Unit, St. Louis and Fort Riley, Kansas, which was adopted.

Senators Dougherty, Coleman, Kennedy and Kinder offered Senate Resolution No. 53, regarding the Cleveland Junior Naval Academy Color Guard, St. Louis, which was adopted.

Senator Shields offered Senate Resolution No. 54, regarding Alfred L. "Al" Purcell, Easton, which was adopted.

INTRODUCTION OF BILLS

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

SB 291—By Caskey.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to a private car ad valorem tax credit.

SB 292—By Yeckel.

An Act to repeal section 407.433, RSMo, and to enact in lieu thereof one new section relating to disclosure of credit card numbers on sales receipts, with penalty provisions.

SB 293—By Vogel.

An Act to repeal section 143.481, RSMo, and to enact in lieu thereof one new section relating to procedures for filing income taxes.

SB 294—By Vogel.

An Act to repeal section 313.220, RSMo, and to enact in lieu thereof one new section relating to lottery employees.

SB 295—By Shields.

An Act to repeal sections 140.150, 140.170, 140.190, 140.200, 140.210, 140.220, 140.230, 140.260, 140.280, 140.340, 140.350, 140.360, 140.370, 140.390, 140.400, 140.405, 140.410, and 140.420, RSMo, and to enact in lieu thereof fourteen new sections relating to delinquent taxes.

SB 296—By Griesheimer.

An Act to repeal section 161.092, RSMo, and to enact in lieu thereof one new section relating to the Missouri school improvement program.

SB 297—By Griesheimer.

An Act to amend chapter 250, RSMo, by adding thereto one new section relating to residential and commercial connections to state-operated sewer lines.

SB 298—By Griesheimer.

An Act to repeal sections 311.080, 311.200, 311.290, 311.293, 311.325, 311.328, 311.360, 311.630, 312.407, and 312.410, RSMo, and to enact in lieu thereof ten new sections relating to liquor control, with penalty provisions.

SB 299—By Champion, Russell, Nodler, Goode, Mathewson, Gross, Childers, Steelman, Yeckel and Clemens.

An Act to repeal sections 33.210, 33.270, 33.800, 33.803, 33.805, 33.807, and 33.810,

RSMo, and to enact in lieu thereof seven new sections relating to performance-based budgeting.

SB 300—By Cauthorn, Griesheimer, Dolan, Loudon, Yeckel, Gibbons, Shields, Kennedy, Wheeler, Days and Coleman.

An Act to amend chapter 334, RSMo, by adding thereto sixteen new sections relating to anesthesiologist assistants, with penalty provisions.

SB 301—By Bray.

An Act to repeal section 249.422, RSMo, and to enact in lieu thereof one new section relating to fees imposed to repair lateral sewer service lines.

SB 302—By Bray.

An Act to amend chapter 571, RSMo, by adding thereto one new section relating to criminally negligent storage of a firearm, with penalty provisions.

SB 303—By Gibbons.

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to critical care ground ambulance service.

SB 304—By Jacob.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a temporary exemption from state and local sales tax on retail sales of clothing and school supplies before the start of the school year, with an emergency clause and an expiration date.

SB 305—By Jacob and Steelman.

An Act to repeal section 144.020, RSMo, and to enact in lieu thereof one new section relating to sales taxes on health and fitness centers.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the

following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Floyd O. Bartch, as a member of the Missouri Gaming Commission;

Also,

Janet L. Vanderpool, as a member of the Missouri State Board of Nursing;

Also,

Sarah J. Long, Lynne M. Cooper and Shawn P. Griffin, M.D., as members of the Children's Trust Fund Board;

Also,

Chester A. Culley, as a member of the Missouri Emergency Response Commission;

Also,

Mary E. Luebke, as a member of the Board for Certification of Interpreters;

Also,

Leslie L. Warden, as a member of the Advisory Committee on Lead Poisoning;

Also,

Gertrude E. O'Leary, as a member of the Mississippi River Parkway Commission;

Also,

Carol E. Bergmann, as a member of the Board of Examiners for Hearing Instrument Specialists;

Also,

Ronald E. Graham and Karla K. Dwyer, as members of the Drug Utilization Review Board;

Also,

Robert W. Cary, as a member of the State Milk Board;

Also,

Elizabeth B. Brown, as a member of the State Soil and Water Districts Commission;

Also,

Mary Louise Bussabarger, as a member of the State Mental Health Commission.

Senator Kinder requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Kinder moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

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

January 16, 2003

TO THE SENATE OF THE 92nd 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:

Stacey L. Allen, 1007 Sarcoxie Trail, Joplin, Jasper County, Missouri 64801, as a student representative of the Missouri Southern State College Board of Regents, for a term ending January 1, 2008, and until her successor is duly appointed and qualified; vice, Brett Doennig, resigned.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 2003

TO THE SENATE OF THE 92nd 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:

Nadia T. Cavner, Democrat, 4466 E. Culloden Lane, Springfield, Greene County, Missouri 65809, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2007, and until her 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

January 16, 2003

TO THE SENATE OF THE 92nd 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:

William A. Easley, Jr., Republican, P.O. Box 126, Cassville, Barry County, Missouri 65625, as a member of the Clean Water Commission, for a term ending April 12, 2006, and until his successor is duly appointed and qualified; vice, Art Hegi, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 16, 2003

TO THE SENATE OF THE 92nd 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:

Daniel R. Flynn, 713 Westlake Drive, Troy, Lincoln County, Missouri 63379, as a member of the Well Installation Board, for a term ending February 24, 2006, and until his successor is duly appointed and qualified; vice, Gregory Evans, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 16, 2003

TO THE SENATE OF THE 92nd 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:

Susan I. Green, 1940 Allen Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Seismic Safety Commission, for a term ending August 11, 2006, and until her 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
January 16, 2003

TO THE SENATE OF THE 92nd 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:

Loretta Pinkard Prater, 2310 Abbey Road, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Special Health, Psychological and Social Needs of Minority Older Individuals Commission, for a term ending August 30, 2005, and until her successor is duly appointed and qualified; vice, Elaine Aber, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 16, 2003

TO THE SENATE OF THE 92nd 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:

Lois L. Reine, 2846 Foxdale Drive, Jefferson City, Cole

County, Missouri 65109, as a public member of the Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2004, and until her successor is duly appointed and qualified; vice, Nonaresa Montgomery, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
January 16, 2003

TO THE SENATE OF THE 92nd 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:

Geo. Irvin Whitehead, 29 Atchinson Road, Olean, Miller County, Missouri 65064-2145, as a member of the Consolidated Health Care Plan Board of Trustees, for a term ending January 1, 2008, and until his successor is duly appointed and qualified; vice, Annette Morgan, deceased.

Respectfully submitted,
BOB HOLDEN
Governor

President Pro Tem Kinder referred the above appointments and the addendums appearing on page 97 of the Senate Journal for Thursday, January 16, 2003, to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

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

- SB 51**—Pensions and General Laws.
- SB 53**—Pensions and General Laws.
- SB 55**—Pensions and General Laws.
- SB 141**—Ways and Means.

SB 142—Economic Development, Tourism and Local Government.

SB 143—Governmental Accountability and Fiscal Oversight.

SB 144—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 145—Judiciary and Civil and Criminal Jurisprudence.

SB 146—Small Business, Insurance and Industrial Relations.

SB 147—Aging, Families, Mental and Public Health.

SB 148—Transportation.

SB 149—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 150—Education.

SB 151—Ways and Means.

SB 153—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 154—Small Business, Insurance and Industrial Relations.

SB 155—Agriculture, Conservation, Parks and Natural Resources.

SB 156—Commerce and the Environment.

SB 157—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 158—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 159—Aging, Families, Mental and Public Health.

SB 160—Judiciary and Civil and Criminal Jurisprudence.

SB 162—Small Business, Insurance and Industrial Relations.

SB 163—Transportation.

SB 165—Financial and Governmental Organi-

zation, Veterans' Affairs and Elections.

SB 166—Aging, Families, Mental and Public Health.

SB 167—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 168—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 169—Judiciary and Civil and Criminal Jurisprudence.

SB 170—Economic Development, Tourism and Local Government.

SB 171—Transportation.

SB 173—Economic Development, Tourism and Local Government.

SB 175—Aging, Families, Mental and Public Health.

REFERRALS

President Pro Tem Kinder referred **SCR 2** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Mike Frederick and his daughter, Hannah, St. Louis; and Hannah was made an honorary page.

Senator Kennedy introduced to the Senate, Bill Krenn, St. Louis.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Tom Saak, M.D., St. Louis.

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

SENATE CALENDAR

EIGHTH DAY—WEDNESDAY, JANUARY 22, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 15-Childers	SB 187-Yeckel
SB 17-Childers	SB 188-Cauthorn, et al
SB 35-Loudon	SB 189-Loudon
SB 44-Dougherty	SB 190-Loudon
SB 61-Caskey	SB 191-Bartle
SB 65-Goode and Gross	SB 193-Loudon
SB 68-Childers	SB 194-Scott
SB 83-Cauthorn, et al	SB 196-Scott
SB 84-Cauthorn and Klindt	SB 197-DePasco
SB 91-Coleman	SB 198-Caskey
SB 104-Goode and Dougherty	SB 199-Childers
SB 113-Loudon	SB 200-Bland
SB 115-Dougherty	SB 201-Steelman
SB 128-Bland	SB 202-Childers
SB 135-Goode	SB 203-Bartle
SB 152-Bland	SB 204-Yeckel, et al
SB 161-Bland	SB 205-Gross and Yeckel
SB 164-Bland	SB 206-Champion
SB 172-Goode	SB 207-Mathewson
SB 174-Childers	SB 208-Mathewson
SB 176-Wheeler	SB 209-Steelman, et al
SB 178-Bland	SB 210-Steelman
SB 179-Bland	SB 211-Cauthorn
SB 180-Bland	SB 212-Bartle
SB 181-Cauthorn	SB 213-Bartle
SB 182-Cauthorn, et al	SB 214-Bartle
SB 183-Dougherty	SB 215-Foster
SB 184-Bartle	SB 216-Foster
SB 185-Wheeler	SB 217-Champion and Clemens
SB 186-Cauthorn	SB 218-Goode, et al

SB 219-Steelman and Yeckel	SB 260-Stoll and Mathewson
SB 220-Bartle	SB 261-Clemens
SB 221-Steelman, et al	SB 262-Clemens
SB 222-Steelman, et al	SB 263-Jacob
SB 223-Foster	SB 264-Shields
SB 224-Vogel	SB 265-Shields and Scott
SB 225-Klindt, et al	SB 266-Shields and Kennedy
SB 226-Klindt and Cauthorn	SB 267-Shields
SB 227-Cauthorn	SB 268-Loudon and Goode
SB 228-Griesheimer	SB 269-Quick
SB 230-Bray	SB 270-Foster and Dolan
SB 231-Caskey	SB 271-Jacob
SB 232-Cauthorn	SB 272-Bland, et al
SB 233-Foster	SB 273-Bland, et al
SB 234-Quick	SB 274-Caskey
SB 235-Quick	SB 275-Russell
SB 236-DePasco and Loudon	SB 276-Jacob
SB 237-Russell, et al	SB 277-Jacob
SB 238-Caskey	SB 278-Steelman, et al
SB 239-Mathewson and Scott	SB 279-Scott
SB 240-Mathewson	SB 280-Scott, et al
SB 241-Yeckel	SB 281-Shields
SB 242-Yeckel	SB 282-Shields
SB 243-Yeckel	SB 283-Klindt
SB 244-Russell and Vogel	SB 284-Loudon
SB 245-Shields and Bartle	SB 285-Dougherty, et al
SB 246-Steelman, et al	SB 286-Dougherty, et al
SB 247-Dolan	SB 287-Childers
SB 248-Gross and Goode	SB 288-Dolan
SB 249-Shields and Bland	SB 289-Dolan, et al
SB 250-Stoll	SB 290-Gross and Steelman
SB 251-Childers	SB 291-Caskey
SB 252-Steelman	SB 292-Yeckel
SB 253-Steelman, et al	SB 293-Vogel
SB 254-Goode and Mathewson	SB 294-Vogel
SB 255-Kinder	SB 295-Shields
SB 256-Goode, et al	SB 296-Griesheimer
SB 257-Steelman	SB 297-Griesheimer
SB 258-Steelman	SB 298-Griesheimer
SB 259-Steelman	SB 299-Champion, et al

SB 300-Cauthorn, et al

SB 301-Bray

SB 302-Bray

SB 303-Gibbons

SB 304-Jacob

SB 305-Jacob and Steelman

SJR 1-Bland

SJR 2-Bland

SJR 3-Gross

SJR 4-Cauthorn

SJR 5-Bland

SJR 6-Bartle

SJR 7-Loudon

SJR 8-Bartle

SJR 9-Yeckel

SJR 10-Yeckel

SJR 11-Bartle

SJR 12-Mathewson and Goode

SJR 13-Stoll

SJR 14-Jacob

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