

# Journal of the Senate

FIRST REGULAR SESSION

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TWELFTH DAY—WEDNESDAY, JANUARY 29, 2003

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The Senate met pursuant to adjournment.

Senator Shields 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)

O God, You are wisdom. Our intellect comes from our life experiences, from what we have seen and know. But wisdom comes from You, O God, knowing Your teachings and following Your way. Grant us wisdom to love, seek and serve You with our whole hearts for the time for such is here. 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.

Senator Gibbons announced that photographers from KSDK-TV and KMOV-TV had been given permission to take pictures in the Senate Chamber today.

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

Present—Senators

Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens
Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler

Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—33			

Absent with leave—Senator DePasco—1

## RESOLUTIONS

Senator Gross offered Senate Resolution No. 90, regarding Benjamin Scott “Ben” Parsons, St. Peters, which was adopted.

Senator Caskey offered Senate Resolution No. 91, regarding Ian David Ewing, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 92, regarding Patrick Jack Woods, Holden, which was adopted.

Senator Caskey offered Senate Resolution No. 93, regarding Michael Shane Glazier, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 94, regarding Levi Donald Hale, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 95, regarding Mark Andrew Bendorf, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 96, regarding Nathan Joseph “Nate” Collins, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 97, regarding Jeffrey Patrick “Jeff” Hendricks, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 98, regarding Justin Lloyd Hedricks, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 99, regarding Matthew E. Higgins, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 100, regarding Joseph Robert “Joey” Audsley, Warrensburg, which was adopted.

Senator Foster offered Senate Resolution No. 101, regarding Andrew Jackson, Piedmont, which was adopted.

Senator Foster offered Senate Resolution No. 102, regarding Jason Payton, Piedmont, which was adopted.

Senator Foster offered Senate Resolution No. 103, regarding Chad Doolen, Piedmont, which was adopted.

**COMMITTEE APPOINTMENTS**

President Pro Tem Kinder appointed the following committee: Joint Committee on Legislative Research: Senators Nodler, Chair, Bartle, Gibbons, Gross, Russell, Shields, Bray, Caskey, DePasco and Dougherty.

**CONCURRENT RESOLUTIONS**

Senator Gross moved that **HCS** for **HCR 6** be taken up for 3rd reading and final passage, which motion prevailed.

**HCS** for **HCR 6**, entitled:

An Act rejecting the amount of increase in compensation for public officials as recommended by the Citizen's Commission on Compensation for Elected Officials.

Was taken up.

On motion of Senator Gross, **HCS** for **HCR 6** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bartle	Bland	Bray	Caskey
Cauthorn	Champion	Childers	Clemens

Coleman	Days	Dolan	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Nodler	Quick
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Mathewson      Russell—2

Absent with leave—Senator DePasco—1

The President declared the concurrent resolution passed.

On motion of Senator Gross, title to the concurrent resolution was agreed to.

Senator Gross moved that the vote by which the concurrent resolution passed be reconsidered.

Senator Gibbons 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 376**—By Caskey.

An Act to repeal section 58.096, RSMo, and to enact in lieu thereof one new section relating to deputy coroners.

**SB 377**—By Childers.

An Act to amend chapter 538, RSMo, by adding thereto one new section relating to medical malpractice prevention tax, with penalty provisions.

**SB 378**—By Steelman.

An Act to amend chapter 573, RSMo, by adding thereto one new section relating to adult cabarets, with penalty provisions.

**SB 379**—By Champion.

An Act to amend chapter 67, RSMo, by

adding thereto one new section relating to community improvement districts.

**SB 380**—By Cauthorn.

An Act to repeal section 198.300, RSMo, and to enact in lieu thereof two new sections relating to nursing home districts.

**SB 381**—By Dolan.

An Act to repeal section 307.020, RSMo, and to enact in lieu thereof one new section relating to the use of headlights.

**SB 382**—By Dolan.

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

**SB 383**—By Dolan.

An Act to repeal section 59.330, RSMo, and to enact in lieu thereof one new section relating to recording documents.

#### REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCR 1**, begs leave to report that it has examined the same and finds that the concurrent resolution has been duly enrolled and that the printed copies furnished the Senators are correct.

President Pro Tem Kinder assumed the Chair.

#### SIGNING OF CONCURRENT RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **SCR 1**, having passed both branches of the General Assembly, would be read at length by the Secretary and, if no objections be made, be signed to the end that it shall have the full force and effect of law. No objections being made, the concurrent resolution was read by the Secretary and signed by the President Pro Tem.

Senator Shields assumed the Chair.

#### MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, which were read:

##### OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 28, 2003

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY  
OF THE STATE OF MISSOURI:

I hereby withdraw from your consideration the following appointment to office made by me and submitted to you on January 8, 2003 for your advice and consent:

Robert L. Langdon, 766 Highland Avenue, Lexington, Lafayette County, Missouri 64067, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2008, and until his successor is duly appointed and qualified; vice, Adam Fischer, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder moved that the above appointment be returned to the Governor pursuant to his request, which motion prevailed.

##### OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

January 28, 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:

Robert L. Langdon, 766 Highland Avenue, Lexington, Lafayette County, Missouri 64067, as a member of the Coordinating Board for Higher Education, for a term ending June 27, 2008, and until his successor is duly appointed and qualified; vice, Adam Fischer, term expired.

Respectfully submitted,

BOB HOLDEN

Governor

President Pro Tem Kinder referred the above appointment to the Committee on gubernatorial appointments.

Senator Childers assumed the Chair.

Senator Shields assumed the Chair.

### INTRODUCTIONS OF GUESTS

Senator Kinder introduced to the Senate, Dr. and Mrs. Frank McGinty, Cape Girardeau; and Physicians and Surgeons from the Missouri Academy of Family Physicians, the Missouri State Medical Association and the Missouri Society of Osteopathic Physicians.

Senator Loudon introduced to the Senate, Dr. Eric James, Detra C., Jason and Jasmine Aubert, Maryland Heights; and Girard Aubert, Houston, Texas.

Senator Champion introduced to the Senate, Jerany Jackson, Springfield.

Senator Steelman introduced to the Senate, Dr. and Mrs. Barry Bass, Dr. and Mrs. James Bass, Dr. Tim Martin, Dr. John Hexum, Dr. and Mrs. Sudhir Batcher, Dr. Rachelle Gorrell, Drs. Debbie and Jim McCaul, Dr. Sharon Anderson and Michael Anderson, Rolla.

Senator Cauthorn introduced to the Senate, Terry Mackey, Mexico; and doctors from northeast Missouri.

Senator Cauthorn introduced to the Senate, the Physician of the Day, Dr. Carl R. Kruse, M.D., Palmyra.

Senator Dolan introduced to the Senate, Dr. Delbert Moeller, M.D., Dr. Kevin Weikart, M.D., Dr. John McCallister II, M.D., Dr. Peter Montgomery, M.D., Dr. James Peterson, M.D., Dr. Nancy Mabe, M.D., Dr. J. Stephen Scott, M.D., Dr. Don Mogermaun, Dr. Linda C. Steele-Green, M.D., Rev. Ken Green, Dr. Brian Andrews, Dr. Thomas P. Hanley and Dr. John Hamilton, St. Charles County.

Senator Griesheimer introduced to the Senate, Larry and Joy Gerstein, Washington.

Senator Yeckel introduced to the Senate, Meghana Patel, Katie Forand and members of Phi Sigma Pi Honor Fraternity, Kirksville.

Senator Bland introduced to the Senate, Dr. Sharon Harris Baugh, Kansas City.

Senator Kennedy introduced to the Senate, Antoinette Filla and Dr. Flauvis Pernoud, St. Louis; and Dr. John Fitz, Farmington.

On behalf of Senator Shields, the President introduced to the Senate, Dr. Gary Dyer, St. Joseph.

Senator Wheeler introduced to the Senate, Dr. Deborah Jantsch, Kansas City.

On behalf of Senator Jacob and himself, Senator Russell introduced to the Senate, Michael Yoakum, Columbia.

Senator Clemens introduced to the Senate, Mayor Keith Miller, and his son, Christopher, Republic; and Christopher was made an honorary page.

Senator Loudon introduced to the Senate, Dr. Jackie Turner, Dr. Brent Allen, M.D., Dr. Kevin Johnson, Dr. Barry Abramson, Dr. Isabel Rener, Dr. Ronald DeGuerre, Dr. Steven M. Johnson, Dr. Jovita Onavari, Dr. Dan Schwarze, M.D., Dr. Darrell M. Pitt, D.O., Dr. J. Gold, Dr. Seth Barbanell, Dr. Demetrios Politis, D.O., Dr. Daniel Scodary, Dr. Levi Kirkland, Dr. Artun Bhattacharya, M.D., Dr. Eric Whitman, M.D., Dr. Jackie Turner, Dr. James King, M.D., Dr. Marcellus R. Lawrence, M.D., Dr. Christopher S. Pruett, M.D., Dr. Harry Eggleston, M.D. and Dr. William G. Ridgeway, M.D., St. Louis; Dr. G. Koenig, M.D., Florissant; Dr. Barry Miller, D.O., Ellisville; Dr. Andrew Chao, D.O., Dr. Jeffrey Zuke, M.D., Dr. Edmond Cabbabe, M.D., Dr. Daniel Baumann, M.D. and Dr. Suresh Nellore, Town and Country; Dr. Heather Williamson, D.O. and Dr. Stephen Oppenheim, M.D., Creve Coeur; Dr. A. Jafri and Dr. D. Gangasingh, M.D., Bridgeton; Dr. John E. Emmont, D.O. and Dr. Delbert T. Escher, Jr., Ballwin; and Dr. Sidney Bennett, Dr. Elie Azrak, M.D., Dr. Charles Mannis, M.D., Dr. Joe Slimack, Dr. Ravi Johar, Dr. Richard S. Lennend, Dr. Scott Lieberman,

M.D., Dr. Adolphus Favoksi, Dr. Robert Heim and  
Dr. Carrie Morrison, M.D., Chesterfield.

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

SENATE CALENDAR

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THIRTEENTH DAY—THURSDAY, JANUARY 30, 2003

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FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 35-Loudon	SB 349-Dougherty, et al
SB 172-Goode	SB 350-Dougherty, et al
SB 241-Yeckel	SB 351-Dougherty
SB 249-Shields and Bland	SB 352-Griesheimer
SB 253-Steelman, et al	SB 353-Stoll
SB 272-Bland, et al	SB 354-Stoll
SB 276-Jacob	SB 355-Stoll
SB 285-Dougherty, et al	SB 356-Stoll
SB 331-Childers	SB 357-Shields
SB 332-Childers and Foster	SB 358-Shields
SB 333-Childers	SB 359-Childers
SB 334-Goode	SB 360-Steelman, et al
SB 335-Goode	SB 361-Steelman
SB 336-Bray	SB 362-Steelman and Gross
SB 337-Cauthorn, et al	SB 363-Jacob
SB 338-Cauthorn	SB 364-Yeckel
SB 339-Jacob	SB 365-Yeckel
SB 340-Wheeler	SB 366-Scott, et al
SB 341-Wheeler	SB 367-Scott
SB 342-Dolan and Quick	SB 368-Gibbons
SB 343-Dolan	SB 369-Gibbons
SB 344-Scott	SB 370-Foster
SB 345-Jacob and Vogel	SB 371-Foster
SB 346-Yeckel	SB 372-Yeckel, et al
SB 347-Loudon, et al	SB 373-Bartle
SB 348-Coleman	SB 374-Shields, et al

SB 375-Steelman  
SB 376-Caskey  
SB 377-Childers  
SB 378-Steelman  
SB 379-Champion  
SB 380-Cauthorn

SB 381-Dolan  
SB 382-Dolan  
SB 383-Dolan  
SJR 9-Yeckel  
SJR 10-Yeckel  
SJR 13-Stoll

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