

# Journal of the Senate

FIRST REGULAR SESSION

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FIFTEENTH DAY—TUESDAY, FEBRUARY 4, 2003

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The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Take care that you do not forget the Lord your God.”  
(Deuteronomy 8:11a)

Gracious God, help us to remember the many blessings You provide us every day and know that we have them because of You. You have put things in our path that help and guide us as we seek to serve in this place. We pray for Senator DePasco and ask for Your healing power to flow through his body, to heal his infected lung and bring him quickly back to health and to us. 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

|          |          |           |             |
|----------|----------|-----------|-------------|
| 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

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Shields offered Senate Resolution No. 130, regarding Dustin L. Payne, St. Joseph, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 131

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 23, 2003.

Senator Vogel requested unanimous consent

of the Senate to suspend the rules and take **SR 131** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 131** was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 132

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber for the purposes of its Youth in Government program during the period of November 22, 2003 from 9:00 a.m. to 3:00 p.m. and December 3 through December 6, 2003.

Senator Vogel requested unanimous consent of the Senate to suspend the rules and take **SR 132** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 132** was adopted.

Senator Griesheimer offered Senate Resolution No. 133, regarding R&R Ace, St. Clair, which was adopted.

Senator Bartle offered Senate Resolution No. 134, regarding David Anstaett, Lee's Summit, which was adopted.

### INTRODUCTION OF BILLS

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

**SB 401**—By Dolan, Coleman, Bland, Vogel, Yeckel, Loudon and Steelman.

An Act to repeal section 595.010, RSMo, and to enact in lieu thereof one new section relating to the sole purpose of modifying the definition of crime in chapter 595, RSMo.

**SB 402**—By Dolan.

An Act to repeal section 301.463, RSMo, and to enact in lieu thereof one new section relating to special license plates.

**SB 403**—By Dolan.

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

**SB 404**—By Nodler.

An Act to amend chapter 195, RSMo, by adding thereto one new section relating to manufacturing controlled substances near schools, with penalty provisions.

**SB 405**—By Klindt, Cauthorn, Clemens, Griesheimer, Scott, Vogel, Dolan and Champion.

An Act to repeal section 258.100, RSMo, and to enact in lieu thereof one new section relating to immunity from civil liability for certain landowners.

**SB 406**—By Klindt.

An Act to amend chapter 375, RSMo, by adding thereto seven new sections relating to insurance compliance audits.

**SB 407**—By Klindt.

An Act to repeal section 376.429, RSMo, and to enact in lieu thereof one new section relating to health insurance coverage for cancer.

**SB 408**—By Klindt.

An Act to amend chapter 590, RSMo, by adding thereto two new sections relating to corrections officers certification, training, and standards, with an emergency clause.

**SB 409**—By Steelman and Griesheimer.

An Act to amend chapter 577, RSMo, by adding thereto one new section relating to unlawful

release of anhydrous ammonia, with penalty provisions.

**SB 410**—By Shields and Goode.

An Act to repeal sections 191.831, 302.540, 577.049, and 577.520, RSMo, and to enact in lieu thereof four new sections relating to substance abuse traffic offender program.

**SB 411**—By Shields.

An Act to repeal section 610.021, RSMo, and to enact in lieu thereof one new section relating to authorization for closed meetings and closed records and exceptions thereto.

**SB 412**—By Foster, Stoll and Griesheimer.

An Act to repeal sections 137.275, 137.345, and 138.430, RSMo, and to enact in lieu thereof four new sections relating to depreciation of tangible personal property, with an emergency clause.

**SB 413**—By Steelman.

An Act to repeal sections 337.600 and 337.633, RSMo, and to enact in lieu thereof three new sections relating to licensing of social workers, with penalty provisions.

**SB 414**—By Steelman.

An Act to repeal sections 58.451, 58.740, 610.010, 610.015, 610.020, 610.021, 610.022, 610.026, 610.027, 610.029, 610.100, and 610.200, RSMo, and to enact in lieu thereof twelve new sections relating to public records.

**SB 415**—By Yeckel.

An Act to repeal sections 324.200, 324.203, 324.205, 324.210, and 324.215, RSMo, and to enact in lieu thereof seven new sections relating to the licensing of dietitians, with penalty provisions.

**SB 416**—By Yeckel.

An Act to repeal section 313.835, RSMo, and to enact in lieu thereof one new section relating to the distribution of the gaming commission fund.

**SB 417**—By Yeckel.

An Act to repeal section 321.703, RSMo, section 321.701 as enacted by senate substitute for senate committee substitute for house committee substitute for house bills nos. 452, 203, 377, 472, 473, 556 & 647, eighty-eighth general assembly, first regular session and section 321.701 as enacted by conference committee substitute for senate substitute no. 2 for house committee substitute for house bills nos. 484, 199 & 72, eighty-eighth general assembly, first regular session, and to enact in lieu thereof two new sections relating to fire protection districts.

**SB 418**—By Cauthorn and Vogel.

An Act to repeal section 565.092, RSMo, and to enact in lieu thereof two new sections relating to corrections officers, with penalty provisions.

**SJR 16**—By Jacob and Coleman.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri.

**SENATE BILLS FOR PERFECTION**

Senator Yeckel moved that **SB 18**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 18**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 18**

An Act to repeal section 166.435, RSMo, and to enact in lieu thereof thirteen new sections relating to higher education savings programs.

Was taken up.

Senator Yeckel moved that **SCS** for **SB 18** be adopted.

Photographers from KMIZ-TV were given permission to take pictures in the Senate Chamber today.

At the request of Senator Yeckel, **SB 18**, with **SCS** (pending), was placed on the Informal Calendar.

## SECOND READING OF SENATE BILLS

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

**SB 337**—Education.

**SB 349**—Aging, Families, Mental and Public Health.

**SB 372**—Financial and Governmental Organization, Veterans' Affairs and Elections.

**SB 373**—Small Business, Insurance and Industrial Relations.

**SB 375**—Economic Development, Tourism and Local Government.

**SB 376**—Financial and Governmental Organization, Veterans' Affairs and Elections.

**SB 377**—Ways and Means.

**SB 378**—Commerce and the Environment.

**SB 379**—Economic Development, Tourism and Local Government.

**SB 380**—Aging, Families, Mental and Public Health.

**SB 381**—Transportation.

**SB 382**—Transportation.

**SB 383**—Economic Development, Tourism and Local Government.

**SB 384**—Transportation.

**SB 385**—Small Business, Insurance and Industrial Relations.

**SB 386**—Transportation.

**SB 387**—Small Business, Insurance and Industrial Relations.

**SB 388**—Agriculture, Conservation, Parks and Natural Resources.

**SB 389**—Financial and Governmental Organization, Veterans' Affairs and Elections.

## RE-REFERRALS

President Pro Tem Kinder re-referred **SB 247** to the Committee on Pensions and General Laws.

President Pro Tem Kinder re-referred **SB 298** to the Committee on Economic Development, Tourism and Local Government.

## COMMUNICATIONS

President Pro Tem Kinder submitted the following:

February 3, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

**RE: Appointment to the Joint Committee on Corrections**  
Dear Terry:

Pursuant to Section 21.440, RSMo 2002, I am appointing Senator David Klindt to serve as Vice-Chairman of the Joint Committee on Corrections.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter Kinder

PETER D. KINDER

President Pro-Tem

Senator Gibbons submitted the following:

January 28, 2003

Ms. Terry Spieler  
Secretary of the Senate  
Room 325, State Capitol Building  
Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee approved the 92nd General Assembly's Southwest Missouri Caucus at the January 23, 2003 meeting.

Please add the following members to the caucus:

- Representative Randy Angst

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Also,

January 28, 2003

Ms. Terry Spieler  
Secretary of the Senate  
Room 325, State Capitol Building  
Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee approved the 92nd General Assembly's Life Science Caucus at the January 23, 2003 meeting.

Please add the following members to the caucus:

- Senator Anita Yeckel
- Senator Harry Kennedy
- Senator Patrick Dougherty
- Representative Alan Icet

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Also,

January 28, 2003

Ms. Terry Spieler  
Secretary of the Senate  
Room 325, State Capitol Building  
Jefferson City, MO 65101

Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee approved the Missouri Sportsmen's Caucus at the January 28, 2003 meeting.

Please add the following members to the caucus:

- Senator Harry Kennedy

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

**INTRODUCTIONS OF GUESTS**

Senator Kinder introduced to the Senate, Skip Lottes, Perryville.

Senator Russell introduced to the Senate, Barbara Doherty, Carole Brouk, Lorraine Wedig, Katie McBean, Norma Williams, Tozia Wilhelm and Chris Poland, Osage Beach.

Senator Scott introduced to the Senate, Dr. Stephen Poort, Sedalia.

Senator Dolan introduced to the Senate, Lori, Robby and Eric Lass, Homeschoolers from St. Charles County; and Robby and Eric were made honorary pages.

Senator Dolan introduced to the Senate, Chief Paul Corbin, St. Charles.

On behalf of Senator Dolan and himself, Senator Gross introduced to the Senate, Christa Montgomery, Julia Eckstein and Karen Sieve, St. Charles County.

Senator Griesheimer introduced to the Senate, Dr. Karen Herzog and Dr. Frank Miller, Washington.

Senator Stoll introduced to the Senate, Leonard and Linda Bolte, and their children, Ashley and Kristy; Eric and Mary Mottert, and their children, Katia, Alyssa, Ian, Elana and Candra; and Lisa Parker, and her son, Steven, Jefferson County; and Ashley, Kristy, Katia, Alyssa, Ian, Elana, Candra and Steven were made honorary pages.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Jay B. Androphy, M.D., St. Louis.

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

## SENATE CALENDAR

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 SIXTEENTH DAY—WEDNESDAY, FEBRUARY 5, 2003
 

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## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

|                           |                                 |
|---------------------------|---------------------------------|
| SB 374-Shields, et al     | SB 406-Klindt                   |
| SB 390-Jacob              | SB 407-Klindt                   |
| SB 391-Shields, et al     | SB 408-Klindt                   |
| SB 392-Shields            | SB 409-Steelman and Griesheimer |
| SB 393-Coleman, et al     | SB 410-Shields and Goode        |
| SB 394-Bartle             | SB 411-Shields                  |
| SB 395-Bartle             | SB 412-Foster, et al            |
| SB 396-Kennedy            | SB 413-Steelman                 |
| SB 397-Griesheimer        | SB 414-Steelman                 |
| SB 398-Griesheimer, et al | SB 415-Yeckel                   |
| SB 399-Caskey             | SB 416-Yeckel                   |
| SB 400-Bray               | SB 417-Yeckel                   |
| SB 401-Dolan, et al       | SB 418-Cauthorn and Vogel       |
| SB 402-Dolan              | SJR 9-Yeckel                    |
| SB 403-Dolan              | SJR 10-Yeckel                   |
| SB 404-Nodler             | SJR 13-Stoll                    |
| SB 405-Klindt, et al      | SJR 16-Jacob and Coleman        |

## HOUSE BILLS ON SECOND READING

HCS for HB 185

## SENATE BILLS FOR PERFECTION

|                                     |                                     |
|-------------------------------------|-------------------------------------|
| SB 15-Childers                      | SB 112-Loudon, with SCS             |
| SB 246-Steelman, et al,<br>with SCS | SB 13-Kinder                        |
| SB 33-Loudon and Scott              | SB 11-Kinder and Scott,<br>with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 18-Yeckel and Cauthorn,  
with SCS (pending)

SB 30-Gross, et al, with  
SCS (pending)

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