

# Journal of the Senate

FIRST REGULAR SESSION

---

TWENTY-FIRST DAY—THURSDAY, FEBRUARY 13, 2003

---

The Senate met pursuant to adjournment.

Shields                      Steelman                      Stoll                      Vogel  
Wheeler                      Yeckel—34

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

Absent with leave—Senators—None

“Love never ends.” (I Corinthians 13:8)

Lord God, we know that You have continued to show Your love for us and expect us to love those You have given us to love. On this day and this coming Valentine weekend let us show our love to those who mean so much to us and to show appreciation to those who work with and for us. And help us Lord to show kindness even to those we don't like too much. 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	DePasco	Dolan
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Jacob	Kennedy
Kinder	Klindt	Loudon	Mathewson
Nodler	Quick	Russell	Scott

## RESOLUTIONS

Senator Stoll offered Senate Resolution No. 167, regarding the Fraternal Order of Eagles Mississippi River Eagles Auxiliary #4341, Crystal City, which was adopted.

Senator Bartle offered Senate Resolution No. 168, regarding Jennifer Trenchard, Lee's Summit, which was adopted.

Senator Days offered Senate Resolution No. 169, regarding Rebekah Bouas, Ferguson, which was adopted.

Senator Foster offered Senate Resolution No. 170, regarding the St. Francis River Band Tribal Council in honor of the Cherokee on the St. Francis River, which was adopted.

## THIRD READING OF SENATE BILLS

SS for SCS for SB 30, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 30

An Act to amend chapter 210, RSMo, by adding thereto two new sections relating to missing

persons.

Was taken up by Senator Gross.

On motion of Senator Gross, **SS** for **SCS** for **SB 30** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Caskey	Cauthorn	Champion
Childers	Clemens	Coleman	Days
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—28

NAYS—Senators—None

Absent—Senators

Bland	Bray	DePasco	Dolan
Jacob	Quick—6		

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

**SB 15**, introduced by Senator Childers, entitled:

An Act to repeal section 21.183, RSMo, relating to the general assembly, and to enact in lieu thereof three new sections relating to the same subject.

Was taken up.

On motion of Senator Childers, **SB 15** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons

Griesheimer	Gross	Jacob	Kennedy
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—29			

NAYS—Senator Kinder—1

Absent—Senators

Bland	DePasco	Dolan	Goode—4
-------	---------	-------	---------

Absent with leave—Senators—None

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 Gibbons moved that motion lay on the table, which motion prevailed.

**SENATE BILLS FOR PERFECTION**

**SB 112**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Kinder, **SB 13** was placed on the Informal Calendar.

At the request of Senator Kinder, **SB 11**, with **SCS**, was placed on the Informal Calendar.

**SB 265**, with **SCS**, was placed on the Informal Calendar.

**SB 36**, with **SCS**, was placed on the Informal Calendar.

Senator Champion moved that **SB 299** and **SB 40**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 299** and **40**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 299 and 40**

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.

Was taken up.

Senator Champion moved that **SCS** for **SBs 299** and **40** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS** for **SBs 299** and **40** was declared perfected and ordered printed.

At the request of Senator Nodler, **SB 55**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Champion, **SB 217** was placed on the Informal Calendar.

**SB 51** was placed on the Informal Calendar.

Senator Klindt moved that **SB 436**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 436**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 436

An Act to repeal sections 8.550 and 8.570, RSMo, and to enact in lieu thereof two new sections relating to the tobacco securitization settlement trust fund, with an emergency clause.

Was taken up.

Senator Gross assumed the Chair.

Senator Klindt moved that **SCS** for **SB 436** be adopted.

Senator Klindt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 436, Page 4, Section 8.570, Line 6, by inserting immediately after the word “the” as it appears the second time on said line the word “**net**”.

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

Senator Quick offered **SS** for **SCS** for **SB 436**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 436

An Act to appropriate money pursuant to Article IV, Section 27(a), Subsection 5 of the Missouri Constitution and for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds designated for the fiscal period ending June 30, 2003, in order to preserve funds obtained in the tobacco securitization settlement trust fund.

Senator Quick moved that **SS** for **SCS** for **SB 436** be adopted.

Senator Steelman raised the point of order that **SS** for **SCS** for **SB 436** is out of order as it goes beyond the title of the original bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

Senator Steelman offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 436, Page 1, Section 1, Line 8, by striking the words “Two Hundred” and insert in lieu thereof the following: “One hundred” and further amend line 13, by striking the number “\$200,000,000” and inserting in lieu thereof the following: “\$100,000,000”.

Senator Steelman moved that the above amendment be adopted.

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

Senator Cauthorn offered **SSA 1** for **SA 1**:

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

Amend Senate Substitute for Senate

Committee Substitute for Senate Bill No. 436, Page 1, Section 1, Line 8, by deleting the word “Two Hundred” and inserting in lieu thereof the following: “One hundred fifty” and further amend line 13, by striking the number “\$200,000,000” and inserting in lieu thereof the following: “\$150,000,000”.

Senator Cauthorn moved that the above substitute amendment be adopted.

Senator Jacob requested a roll call vote be taken and was joined in his request by Senators Cauthorn, Coleman, Days and Stoll.

**SSA 1 for SA 1** was adopted by the following vote:

YEAS—Senators

Caskey	Cauthorn	Champion	Dolan
Dougherty	Gibbons	Goode	Gross
Kennedy	Kinder	Klindt	Nodler
Quick	Scott	Steelman	Vogel
Yeckel—17			

NAYS—Senators

Bartle	Bland	Bray	Childers
Clemens	Coleman	Days	Foster
Griesheimer	Jacob	Loudon	Mathewson
Russell	Shields	Stoll	Wheeler—16

Absent—Senators—None

Absent with leave—Senator DePasco—1

Senator Shields offered **SA 2**, which was read:

**SENATE AMENDMENT NO. 2**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 436, Page 1, Section 1, Line 7, by inserting immediately after “Section 1.” the following: “Notwithstanding provisions of the Missouri Constitution to the contrary”.

Senator Shields moved that the above amendment be adopted.

Senator Mathewson raised the point of order

that **SS** for **SCS** for **SB 436** is out of order because the subject matter contained in the substitute has not been properly presented to the body.

The point of order was referred to the President Pro Tem, who took it under advisement, which placed **SB 436**, with **SCS**, **SS** for **SCS** and **SA 2** (pending), on the Informal Calendar.

**SECOND READING OF SENATE BILLS**

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

**SB 432**—Transportation.

**SB 433**—Judiciary and Civil and Criminal Jurisprudence.

**SB 434**—Financial and Governmental Organization, Veterans’ Affairs and Elections.

**SB 435**—Aging, Families, Mental and Public Health.

**SB 437**—Ways and Means.

**SB 438**—Transportation.

**SB 439**—Economic Development, Tourism and Local Government.

**SB 442**—Judiciary and Civil and Criminal Jurisprudence.

**SB 445**—Education.

**SB 446**—Judiciary and Civil and Criminal Jurisprudence.

**SB 447**—Judiciary and Civil and Criminal Jurisprudence.

**SB 448**—Judiciary and Civil and Criminal Jurisprudence.

**SB 449**—Pensions and General Laws.

**SB 450**—Ways and Means.

**SB 451**—Judiciary and Civil and Criminal Jurisprudence.

**SB 452**—Small Business, Insurance and

Industrial Relations.

**SB 453**—Aging, Families, Mental and Public Health.

**SB 454**—Aging, Families, Mental and Public Health.

**SB 455**—Aging, Families, Mental and Public Health.

**SB 456**—Pensions and General Laws.

**SB 457**—Judiciary and Civil and Criminal Jurisprudence.

**SB 458**—Ways and Means.

**SB 459**—Small Business, Insurance and Industrial Relations.

**SB 460**—Small Business, Insurance and Industrial Relations.

**SB 461**—Education.

**SB 462**—Small Business, Insurance and Industrial Relations.

**SB 464**—Judiciary and Civil and Criminal Jurisprudence.

**SB 465**—Judiciary and Civil and Criminal Jurisprudence.

**SB 466**—Judiciary and Civil and Criminal Jurisprudence.

**SB 467**—Judiciary and Civil and Criminal Jurisprudence.

**SB 468**—Judiciary and Civil and Criminal Jurisprudence.

**SB 469**—Judiciary and Civil and Criminal Jurisprudence.

**SB 470**—Judiciary and Civil and Criminal Jurisprudence.

**SB 471**—Judiciary and Civil and Criminal Jurisprudence.

**SB 472**—Education.

**SB 474**—Judiciary and Civil and Criminal

Jurisprudence.

**SB 476**—Education.

**SB 477**—Commerce and the Environment.

**SB 478**—Financial and Governmental Organization, Veterans' Affairs and Elections.

**SB 479**—Transportation.

**SB 480**—Financial and Governmental Organization, Veterans' Affairs and Elections.

**SB 481**—Transportation.

**SJR 16**—Financial and Governmental Organization, Veterans' Affairs and Elections.

**SJR 17**—Transportation.

## RE-REFERRALS

President Pro Tem Kinder re-referred **SB 427** to the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections.

## MESSAGES FROM THE HOUSE

The following messages were 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 **HCS** for **HBs 122** and **80**, entitled:

An Act to repeal sections 92.402 and 92.418, RSMo, and to enact in lieu thereof two new sections relating to a public mass transportation system sales tax.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 74**, entitled:

An Act to amend chapter 288, RSMo, by

adding thereto one new section relating to unemployment reimbursement for Indian tribes in compliance with federal mandate, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 401**, entitled:

An Act to repeal sections 8.550 and 8.570, RSMo, and to enact in lieu thereof two new sections relating to the tobacco securitization settlement trust fund, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### INTRODUCTION OF BILLS

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

**SB 485**—By Shields.

An Act to amend chapter 197, RSMo, by adding thereto one new section relating to public hospitals.

**SB 486**—By Dolan.

An Act to repeal section 379.201, RSMo, and to enact in lieu thereof one new section relating to automobile insurance coverage of loaned vehicles.

**SB 487**—By Dolan.

An Act to repeal sections 488.2250 and 488.2253, RSMo, and to enact in lieu thereof two new sections relating to fees associated with court reporters.

**SB 488**—By Dolan.

An Act to repeal section 632.495, RSMo, and to enact in lieu thereof two new sections relating to appellate review of sexually violent predator proceedings.

**SB 489**—By Dolan.

An Act to repeal section 488.5336, RSMo, and to enact in lieu thereof one new section relating to court costs.

**SB 490**—By Dolan.

An Act to repeal sections 302.510, 302.530, and 577.041, RSMo, and to enact in lieu thereof three new sections relating to duties of law enforcement officers with respect to alcohol-related traffic offenses.

**SB 491**—By Scott.

An Act to amend chapter 226, RSMo, by adding thereto one new section relating to contract disputes involving the department of transportation.

**SB 492**—By Scott.

An Act to repeal section 324.409, RSMo, and to enact in lieu thereof one new section relating to commercial interior designers.

**SB 493**—By Kennedy.

An Act to repeal sections 191.323 and 191.331, RSMo, and to enact in lieu thereof three new sections relating to genetic screening.

**SB 494**—By Klindt.

An Act to repeal sections 256.635, 259.190, 260.203, 260.273, 260.330, 260.391, 260.475, 260.479, 260.480, 260.920, 319.123, 414.359, 414.407, 444.370, 444.730, 444.915, 444.960, 640.110, 640.220, 640.665, 640.740, 643.245, 643.350, and 644.055, RSMo, section 307.366 as enacted by conference committee substitute for senate committee substitute for house committee substitute for house bills nos. 603, 722 & 783, ninetieth general assembly, first regular session, and section 307.366 as enacted by conference committee substitute for house substitute for senate

substitute for senate committee substitute for senate bill no. 19, ninetieth general assembly, first regular session, and to enact in lieu thereof twenty-three new sections relating to the department of natural resources, with penalty provisions and an emergency clause for a certain section.

**SB 495**—By Yeckel.

An Act to repeal sections 304.010 and 304.015, RSMo, and to enact in lieu thereof two new sections relating to restrictions on trucks, with penalty provisions.

**SB 496**—By Yeckel.

An Act to repeal sections 364.030, 364.105, 365.030, 367.140, 367.509, and 408.500, RSMo, and to enact in lieu thereof six new sections relating to the licensing, regulation and activities of lenders.

**SB 497**—By Yeckel, Kinder and Steelman.

An Act to amend chapter 167, RSMo, by adding thereto three new sections relating to the show-me parental choice tax credit program.

**SB 498**—By Yeckel.

An Act to repeal sections 494.400, 494.425, 494.430, 494.431, 494.445, 494.450, and 494.460, RSMo, and to enact in lieu thereof eight new sections relating to juries, with penalty provisions.

**SB 499**—By Bartle.

An Act to repeal section 21.140, RSMo, and to enact in lieu thereof one new section relating to general assembly members salaries, with an emergency clause.

**SB 500**—By Loudon.

An Act to repeal section 135.327, RSMo, relating to adoption tax credits, and to enact in lieu thereof one new section relating to the same subject.

**SJR 18**—By Coleman, Days, Bland, Dougherty and Kennedy.

Joint Resolution submitting to the qualified

voters of Missouri, an amendment to article IX of the Constitution of Missouri relating to education.

## REPORTS OF STANDING COMMITTEES

Senator Gibbons, 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 224**, 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 281**, 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, to which was referred **SCS** for **SBs 299** and **40**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

## RESOLUTIONS

Senator Kinder offered Senate Resolution No. 171, regarding John Hancock, which was adopted.

## COMMUNICATIONS

Senator Loudon submitted the following:

February 12, 2003

Terry Spieler  
Secretary of the Senate  
State Capitol, Room 325  
Jefferson City, MO 65101  
Secretary of the Senate:

Pursuant to Rule 45 of the Senate Rules, I respectfully request that SB 47 be taken off the consent calendar and sent back to committee

as the bill is controversial in nature.

Respectfully submitted,

/s/ John Loudon

John W. Loudon

**Senator Jacob submitted the following:**

February 13, 2003

Senator Peter Kinder	Senator Michael Gibbons	Terry L. Spieler
Senate Pro Tem	Majority Floor Leader &	Secretary of the Senate
State Capitol, Room 326	Rules Committee Chair	State Capitol, Room 325
Jefferson City, MO 65101	State Capitol, Room 221	Jefferson City, MO 65101
	Jefferson City, MO 65101	

**Re: SCS/SB 75 (Consent Calendar, Reported 02/10/03)**

**Written Objection Pursuant to Senate Rule 45**

Senators Kinder & Gibbons, Secretary Spieler:

I hereby file written objection to the "consent" status of SCS/SB 75 and direct that said bill be returned to the Senate Committee on Aging, Families, Mental and Public Health, pursuant to Senate Rule 45.

Thank you for your attention to this matter.

Sincerely,

/s/ Ken

Senator Ken Jacob

**Senator Gibbons submitted the following:**

February 13, 2003

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

Dear Ms. Spieler:

Please remove Senate Bill 52 from the Senate Consent Calendar pursuant to Rule 45.

Thank you.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

**President Pro Tem Kinder submitted the following:**

February 12, 2003

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

**RE: Appointments to Commission on the Future of Higher Education**

Dear Terry:

I am appointing the following Senators to the Missouri Commission on the Future of Higher Education:

Senator Gary Nodler

Senator Charlie Shields

Senator Rita Days

Senator Ken Jacob

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

Also,

February 13, 2003

Mrs. Terry Spieler

Secretary of the Missouri Senate

State Capitol, Room 325

Jefferson City, MO 65101

**RE: Appointments to Joint Committee on Court Automation**

Dear Terry:

Pursuant to Section 476.055, RSMo 2002, I am appointing the following Senators to the Joint Committee on Court Automation:

Senator John T. Russell

Senator Matt Bartle

Senator Rita Days

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

Sincerely,

/s/ Peter D. Kinder

PETER D. KINDER

President Pro-Tem

**INTRODUCTIONS OF GUESTS**

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Frank Reiger, III, M.D., Columbia.

On motion of Senator Gibbons, the Senate adjourned until 2:00 p.m., Monday, February 17, 2003.



SENATE CALENDAR

---

TWENTY-SECOND DAY—MONDAY, FEBRUARY 17, 2003

---

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 374-Shields, et al	SB 487-Dolan
SB 398-Griesheimer, et al	SB 488-Dolan
SB 400-Bray, et al	SB 489-Dolan
SB 413-Steelman, et al	SB 490-Dolan
SB 440-Steelman	SB 491-Scott
SB 441-Dougherty	SB 492-Scott
SB 444-Shields and Steelman	SB 493-Kennedy
SB 463-Gross	SB 494-Klindt
SB 473-Stoll	SB 495-Yeckel
SB 475-Jacob	SB 496-Yeckel
SB 482-Kennedy	SB 497-Yeckel, et al
SB 483-Gross	SB 498-Yeckel
SB 484-Shields	SB 499-Bartle
SB 485-Shields	SB 500-Loudon
SB 486-Dolan	SJR 18-Coleman, et al

HOUSE BILLS ON SECOND READING

HCS for HB 185	HB 74-St. Onge
HB 198-Stevenson, et al	HB 401-Pratt
HCS for HBs 122 & 80	

THIRD READING OF SENATE BILLS

SCS for SBs 299 & 40-  
Champion, et al

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 11-Kinder and Scott,  
with SCS

SB 13-Kinder

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

SB 33-Loudon and Scott,  
with SS (pending)

SB 36-Klindt and Cauthorn,  
with SCS

SB 51-Shields

SB 55-Nodler, with SCS

SB 112-Loudon, with SCS

SB 217-Champion and  
Clemens

SB 246-Steelman, et al, with  
SCS & SA 1 (pending)

SB 265-Shields and Scott,  
with SCS

SB 436-Klindt, with SCS,  
SS for SCS, SA 2 &  
point of order (pending)

Unofficial

## CONSENT CALENDAR

## Senate Bills

Reported 2/10

Journal

SB 143-Goode

SB 14-DePasco

SB 62-Caskey

SB 68-Childers

SB 101-Caskey

SB 121-Caskey

SB 130-Gross, with SCS

SB 173-Quick

SB 228-Griesheimer

SB 232-Cauthorn

SB 235-Quick

SB 275-Russell

SB 282-Shields

SBs 194 & 189-Scott, with SCS

SB 215-Foster, with SCS

SB 255-Kinder, with SCA 1

SB 266-Shields and Kennedy

SB 63-Caskey

Copy

## RESOLUTIONS

Reported from Committee

SR 30-Shields, with SCS, SS  
for SCS & SA 1 (pending)