

Journal of the Senate

FIRST REGULAR SESSION

THIRTEENTH DAY—THURSDAY, JANUARY 30, 2003

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

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

Lord God, let us never forget You nor how loving and gracious You are to us. You have blessed us with good work to do and given us joy and friendship for which we give You thanks and praise. May we rejoice in Your presence as we share the warmth of love with those who love us in Your holy house remembering all Your goodness 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

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 104, regarding Ron Coleman, Lohman, which was adopted.

Senator Vogel offered Senate Resolution No. 105, regarding Nathan P. Wood, New Bloomfield, which was adopted.

Senator Vogel offered Senate Resolution No. 106, regarding Brooks P. Luebbering, New Bloomfield, which was adopted.

Senator Klindt offered Senate Resolution No. 107, regarding Lucas James Cavin, Chillicothe, which was adopted.

Senator Klindt offered Senate Resolution No. 108, regarding Aaron Mark Dunn, Wheeling, which was adopted.

Senator Klindt offered Senate Resolution No. 109, regarding Nicholas Jordan Hager, Chillicothe, which was adopted.

Senator Klindt offered Senate Resolution No. 110, regarding Michael Wayne Marriott, Chillicothe, which was adopted.

Senator Klindt offered Senate Resolution No. 111, regarding Clinton Paul Macoubrie, Chillicothe, which was adopted.

Senator Klindt offered Senate Resolution No. 112, regarding Christopher Phillip Thistlethwaite, Chillicothe, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 113

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Rotary Club has sought to instill values of high integrity within our youth and provide an opportunity for Missouri students to experience state government firsthand; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate Chamber for beneficial purposes:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, hereby grant the Rotary Club permission to use the Senate Chamber for the purpose of conducting its Student Government Day on Monday, March 24, 2003, from 9 a.m. to 12:00 noon.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 113** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 113** was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 114

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic processes of government.

NOW, THEREFORE, BE IT RESOLVED, by the members of the Missouri Senate, Ninety-Second General Assembly, that the Missouri Catholic Conference be hereby granted permission to use the Senate Chamber and the Senate Hearing Rooms from 7:00 a.m. to 7:00 p.m. on October 4, 2003, for the purposes of a citizens assembly and workshops.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 114** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 114** was adopted.

Senate Quick offered Senate Resolution No. 115, regarding Edward W. Whiteman, D.D.S., Liberty, which was adopted.

INTRODUCTION OF BILLS

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

SB 384—By Dolan.

An Act to repeal section 304.015, RSMo, and to enact in lieu thereof one new section relating to right-hand lane restrictions for certain motor vehicles, with penalty provisions.

SB 385—By Scott.

An Act to repeal section 287.310, RSMo, and to enact in lieu thereof one new section relating to approval of workers' compensation policies and deductible plans.

SB 386—By Cauthorn.

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

SB 387—By Cauthorn.

An Act to amend chapter 383, RSMo, by adding thereto one new section relating to medical malpractice insurance rates.

SB 388—By Klindt, Cauthorn, Russell, Childers, Griesheimer, Clemens, Steelman, Scott, Shields, Kennedy, Mathewson and Coleman.

An Act to repeal sections 348.195 and 348.210, RSMo, and to enact in lieu thereof two new sections relating to loan guarantees.

SB 389—By Steelman.

An Act to repeal section 523.040, RSMo, and to enact in lieu thereof one new section relating to eminent domain.

SB 390—By Jacob.

An Act to repeal sections 31.010, 104.342, 104.1200, 172.035, 174.020, 174.450, 174.500, 176.010, 261.023, 262.060, 262.080, and 262.090, RSMo, and to enact in lieu thereof thirteen new

sections relating to state institutions of higher education, with an effective date.

SB 391—By Shields, Gibbons, Wheeler, Dolan, Steelman, Kennedy, Klindt, Bartle, Vogel, Dougherty, Yeckel, Cauthorn, Jacob, DePasco and Kinder.

An Act to amend chapter 192, RSMo, by adding thereto three new sections relating to pain management.

SB 392—By Shields.

An Act to repeal sections 260.475 and 260.479, RSMo, and to enact in lieu thereof two new sections relating to hazardous waste generator fees.

SB 393—By Coleman, Bland, Bray and Days.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to emergency contraception.

SB 394—By Bartle.

An Act to repeal sections 351.046, 351.182, 351.268, 351.315, 351.320, and 351.385, RSMo, and to enact in lieu thereof seven new sections relating to general and business corporations.

SB 395—By Bartle.

An Act to repeal sections 351.055 and 351.455, RSMo, and to enact in lieu thereof two new sections relating to general and business corporations.

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:

Jerome J. Govero, as a member of the

Environmental Improvement and Energy Resources Authority;

Also,

Antoinette M. Filla, as a member of the Missouri Emergency Response Commission;

Also,

June Doughty, as a member of the Administrative Hearing Commission;

Also,

Bryan L. Forbis, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Meg K. McLaughlin, Robert B. Herrmann, Ph.D., Phyllis J. Steckel and Gregory L. Hempen, as members of the Seismic Safety Commission;

Also,

Sharon K. Lowman and James A. Hendren, as members of the Missouri Real Estate Appraisers Commission;

Also,

John G. Kruse, as a member of the Board of Trustees of the Public School Retirement System;

Also,

Lisa M. Woods, as a member of the Missouri Genetic Advisory Committee;

Also,

Jean A. Stark, D.V.M., as a member of the Missouri Veterinary Medical Board;

Also,

Stephen M. Calloway and Peggy Wanner-Barjenbruch, M.D., as members of the Drug Utilization Review Board;

Also,

Sarah E. Giboney, Steven R. Wilhelm, Gerald J. Zafft, Harold D. Cleberg and Mary S. Ireland, as members of the Missouri Family Trust Board of Trustees;

Also,

Michael J. Quinn, as a member of the St.

Louis City Board of Police Commissioners;

Also,

Abdeldjelil “D.J.” Belarbi, Ph.D., as a member of the Missouri Commission on Human Rights;

Also,

Norella V. Huggins, as a member of the Hazardous Waste Management Commission;

Also,

Kenneth G. McGhee and Joy M. Gerstein, as members of the State Board of Embalmers and Funeral Directors;

Also,

Jay L. Schulteheinrich, as a member of the State Board of Mediation;

Also,

Sherry S. Jones, as a member of the Missouri Agricultural and Small Business Development Authority;

Also,

Eric J. Aubert, D.M.D., as a member of the Missouri Dental Board;

Also,

Ernest Z. Adelman, as a member of the Board of Governors for Central Missouri State University;

Also,

Bryon T. Koster and Terry M. Mackey, as members of the Missouri Planning Council on Developmental Disabilities;

Also,

Jerany L. Jackson, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects;

Also,

Anne C. Gardner and Vicky L. Weimholt, as members of the Personnel Advisory Board;

Also,

Barbara B. Adelman, as a member of the Dam and Reservoir Safety Council;

Also,

Gerald T. Brouder, as a member of the Midwestern Higher Education Commission;

Also,

Dorothy V. Fautleroy, Edward E. Fields, Marge E. Peltier and Mona L. Perry, as members of the Special Health, Psychological and Social Needs of Minority Older Individuals Commission;

Also,

John A. Klebba, as a member of the Linn State Technical College Board of Regents;

Also,

Larry Dean Neff and Elizabeth T. Solberg, as members of the Missouri Development Finance Board;

Also,

Harriett F. Woods, as a member of the Regional Convention and Sports Complex Authority;

Also,

Lynn M. Catrett, as a member of the Advisory Commission for Registered Physician Assistants;

Also,

Jennifer Tidwell, as a member of the State Tax 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.

Also,

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of John W. Greer, as a member of the Missouri Higher Education Loan Authority, begs

leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Clemens moved that the committee report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator Scott, Chairman of the Committee on Pensions and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 30**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 18**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Pro Tem Kinder assumed the Chair.

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 15**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 246**, begs leave to report that it has considered the same and recommends that the Senate Committee

Substitute, hereto attached, do pass.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following report:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 33**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following report:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 112**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 13**, begs leave to report that it has considered the same and recommends that the bill do pass.

CONCURRENT RESOLUTIONS DELIVERED TO THE GOVERNOR

SCR 1, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

SIGNING OF CONCURRENT RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **HCS** for **HCR 6**, 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 Bartle assumed the Chair.

SECOND READING OF SENATE BILLS

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

SB 35—Education.

SB 172—Ways and Means.

SB 241—Economic Development, Tourism and Local Government.

SB 249—Ways and Means.

SB 253—Commerce and the Environment.

SB 272—Ways and Means.

SB 276—Ways and Means.

SB 285—Ways and Means.

SB 331—Transportation.

SB 332—Economic Development, Tourism and Local Government.

SB 333—Economic Development, Tourism and Local Government.

SB 334—Commerce and the Environment.

SB 335—Commerce and the Environment.

SB 336—Ways and Means.

SB 338—Aging, Families, Mental and Public Health.

SB 339—Economic Development, Tourism and Local Government.

SB 340—Pensions and General Laws.

SB 341—Pensions and General Laws.

SB 342—Aging, Families, Mental and Public Health.

SB 343—Transportation.

SB 344—Education.

SB 345—Judiciary and Civil and Criminal

Jurisprudence.

SB 346—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 347—Small Business, Insurance and Industrial Relations.

SB 348—Judiciary and Civil and Criminal Jurisprudence.

SB 350—Small Business, Insurance and Industrial Relations.

SB 351—Aging, Families, Mental and Public Health.

SB 352—Judiciary and Civil and Criminal Jurisprudence.

SB 353—Education.

SB 354—Education.

SB 355—Transportation.

SB 356—Transportation.

SB 357—Economic Development, Tourism and Local Government.

SB 358—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 359—Education.

SB 360—Commerce and the Environment.

SB 361—Commerce and the Environment.

SB 362—Pensions and General Laws.

SB 363—Ways and Means.

SB 364—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 365—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 366—Commerce and the Environment.

SB 367—Pensions and General Laws.

SB 368—Transportation.

SB 369—Transportation.

SB 370—Economic Development, Tourism and Local Government.

SB 371—Education.

President Pro Tem Kinder assumed the Chair.

adopted.

REPORTS OF STANDING COMMITTEES

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 11**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle assumed the Chair.

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

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 116, regarding the March of Dimes, which was

INTRODUCTIONS OF GUESTS

Senator Russell introduced to the Senate, Mike Jarrett and Frank Heslin, O’Fallon.

Senator Jacob introduced to the Senate, the Physician of the Day, Dr. Lyndell Scoles, M.D., Columbia.

Senator Kinder introduced to the Senate, Mr. and Mrs. Glenn Reeves, Cape Girardeau; and members of the National Federation of Independent Business Leadership Council.

Senator Jacob introduced to the Senate, fifth grade students from Grant Elementary School, Columbia.

On motion of Senator Gibbons, the Senate adjourned until 2:00 p.m., Monday, February 3, 2003.

SENATE CALENDAR

FOURTEENTH DAY—MONDAY, FEBRUARY 3, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

- SB 337-Cauthorn, et al
- SB 349-Dougherty, et al
- SB 372-Yeckel, et al
- SB 373-Bartle
- 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
- SB 384-Dolan
- SB 385-Scott
- SB 386-Cauthorn
- SB 387-Cauthorn
- SB 388-Klindt, et al
- SB 389-Steelman
- SB 390-Jacob
- SB 391-Shields, et al
- SB 392-Shields
- SB 393-Coleman, et al

SB 394-Bartle
SB 395-Bartle
SJR 9-Yeckel

SJR 10-Yeckel
SJR 13-Stoll

SENATE BILLS FOR PERFECTION

SB 30-Gross, et al, with SCS
SB 18-Yeckel and Cauthorn,
with SCS
SB 15-Childers
SB 246-Steelman, et al, with SCS

SB 33-Loudon and Scott
SB 112-Loudon, with SCS
SB 13-Kinder
SB 11-Kinder and Scott, with
SCS

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