

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FIFTH DAY—THURSDAY, FEBRUARY 20, 2003

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Draw near to God, and He will draw near to you.” (James 4:8)

Gracious Lord, give to us a clean heart, O God, and create in us the sense of service to You and those we represent as we finish up our work this day. And watch over our travel and bring us safely home and may we be found in Your house with those we love this weekend. 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 Coleman offered Senate Resolution No. 193, regarding Paula J. Carter Center on Minority Health and Aging, Jefferson City, which was adopted.

Senator Steelman offered Senate Resolution No. 194, regarding Carolyn Dye, Waynesville, which was adopted.

Senator Yeckel offered Senate Resolution No. 195, regarding Boy Scout Troop 661, Oakville Community, which was adopted.

Senator Gross offered Senate Resolution No. 196, regarding the Boys and Girls Clubs of St. Charles County, which was adopted.

Senator Yeckel offered Senate Resolution No. 197, regarding Linda Kunz, St. Louis County, which was adopted.

INTRODUCTION OF BILLS

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

SB 546—By Caskey.

An Act to repeal sections 260.830 and 260.831, RSMo, and to enact in lieu thereof two new sections relating to landfill fees in Johnson

County.

SB 547—By Caskey.

An Act to repeal section 54.261, RSMo, and to enact in lieu thereof one new section relating to compensation for certain county treasurers.

SB 548—By Champion.

An Act to amend chapter 23, RSMo, by adding thereto one new section relating to the joint committee on legislative research.

SB 549—By Days, Wheeler, Bland and Bray.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to nonpublic personal health information.

SB 550—By Scott.

An Act to repeal sections 570.020 and 570.030, RSMo, and to enact in lieu thereof two new sections relating to stealing, with penalty provisions.

SB 551—By Yeckel.

An Act to repeal sections 383.150, 383.155, 383.160, 383.170, 383.175, 383.180, 383.185, and 383.195, RSMo, and to enact in lieu thereof nine new sections relating to medical malpractice insurance.

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

Nancy Samp, as a public member of the State Board of Cosmetology;

Also,

Geo. Irvin Whitehead, as a member of the

Consolidated Health Care Plan Board of Trustees;

Also,

Daniel R. Flynn, as a member of the Well Installation Board;

Also,

Loretta Pinkard Prater, as a member of the Special Health, Psychological and Social Needs of Minority Older Individuals Commission;

Also,

David J. Malmo, as a member of the State Fair Commission;

Also,

William A. Easley, Jr., as a member of the Clean Water Commission;

Also,

Derio L. Gambaro and Michael A. Lueken, as members of the St. Louis City Board of Election Commissioners;

Also,

Lewis C. Chartock, Ph.D., as a member of the Missouri Training and Employment Council.

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 reappointment, which motion prevailed.

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 234**, begs leave to report that it has considered the same and recommends that the bill do pass.

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 56**, 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 1**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 84**, 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 69**, 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 34**, begs leave to report that

it has considered the same and recommends that the bill 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 347**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 481**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, 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 24**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

THIRD READING OF SENATE BILLS

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 by Senator Champion.

Senator Shields assumed the Chair.

President Maxwell assumed the Chair.

On motion of Senator Champion, **SCS for SBs 299 and 40** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	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
Vogel	Wheeler—30		

NAYS—Senators—None

Absent—Senator Stoll—1

Absent with leave—Senators

Bray	DePasco	Yeckel—3
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The President declared the bill passed.

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

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

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

SCS for SB 246, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 246

An Act to repeal sections 386.050, 386.120, 386.210, 392.200, and 393.015, RSMo, and to enact in lieu thereof seven new sections relating to the public service commission.

Was taken up by Senator Steelman.

On motion of Senator Steelman, **SCS for SB 246** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

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

NAYS—Senators—None

Absent—Senators

Bland	Goode—2
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Absent with leave—Senators

Bray	DePasco	Yeckel—3
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The President declared the bill passed.

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

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

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

SS No. 2 for SCS for SB 55, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 55

An Act to repeal sections 173.005, 174.020, 174.231, 174.241, 174.324, and 174.450, RSMo, and to enact in lieu thereof six new sections relating to state institutions of higher education.

Was taken up by Senator Nodler.

On motion of Senator Nodler, **SS No. 2 for SCS for SB 55** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Cauthorn	Champion
Childers	Clemens	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Loudon	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler—28

NAYS—Senators

Caskey Klindt Mathewson—3

Absent—Senators—None

Absent with leave—Senators

Bray DePasco Yeckel—3

The President declared the bill passed.

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

Senator Nodler moved that the vote by which the bill 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 553—By Bartle.

An Act to repeal section 163.031, RSMo, and to enact in lieu thereof one new section relating to state aid to the public schools of this state.

SB 554—By Klindt.

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to carry-back losses.

SB 555—By Kinder and Foster.

An Act to amend chapter 91, RSMo, by adding thereto one new section relating to the supply of electrical power and energy to certain large industrial customers, with an emergency clause.

SB 556—By Kinder, Dougherty, Steelman, Coleman, Bland, Kennedy, Stoll, Gibbons, Shields, Bartle, Gross, Vogel, Scott, Loudon, Clemens, Nodler, Champion, Klindt and Foster.

An Act to repeal sections 198.006, 198.022, 198.032, 198.036, 198.067, 198.070, 198.082, 198.105, 198.525, 198.526, 198.532, 208.072, 208.159, 344.050, 565.186, 570.145, 630.140,

630.165, 630.167, 660.250, 660.261, 660.270, 660.300, 660.305, 660.315, 660.317, and 660.320, RSMo, and to enact in lieu thereof thirty-eight new sections relating to the protection of the elderly, with penalty provisions and an expiration date for a certain section.

SB 557—By Shields.

An Act to repeal sections 338.013, 338.055, 338.065, 338.220, and 338.353, RSMo, and to enact in lieu thereof ten new sections relating to the licensure and regulation of pharmacists, pharmacies, drug distributors and related pharmaceutical services and personnel, with penalty provisions.

SECOND READING OF SENATE BILLS

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

SB 374—Pensions and General Laws.

SB 398—Agriculture, Conservation, Parks and Natural Resources.

SB 544—Governmental Accountability and Fiscal Oversight.

RESOLUTIONS

Senator Childers offered Senate Resolution No. 198, regarding Matthew Lee “Matt” Stoll, Branson, which was adopted.

Senator Childers offered Senate Resolution No. 199, regarding Michael James “Mike” Cobb, Branson, which was adopted.

Senator Childers offered Senate Resolution No. 200, regarding William Ray “Billy” McAnally, Branson, which was adopted.

Senator Childers offered Senate Resolution No. 201, regarding Garrett Lee Jackson, Branson, which was adopted.

Senator Childers offered Senate Resolution

No. 202, regarding Nicholas Alexander “Nick” Peregrino, Branson, which was adopted.

Senator Childers offered Senate Resolution No. 203, regarding James Christopher Justus, Branson, which was adopted.

Senator Childers offered Senate Resolution No. 204, regarding Kelvin Wayne Cash, Ridgedale, which was adopted.

COMMUNICATIONS

Senator Gibbons submitted the following:

February 20, 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 met today in the Senate Lounge. All members present voted unanimously to approve the 92nd General Assembly’s Bootheel Caucus.

A list of members is attached.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Members of the Bootheel Caucus:

Senator Bill Foster	Representative Mike Dethrow
Representative Gayle Kingery	Representative Rod Jetton
Representative Rob Mayer	Representative Peter Myers
Representative Lanie Black	Representative Denny Merideth
Representative Otto Bean, Jr.	Representative Jason Crowell
Senator Peter Kinder	

Also,

February 20, 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

met today in the Senate Lounge. All members present voted unanimously to approve the 92nd General Assembly’s 7th Senatorial District Legislators Caucus.

A list of members is attached.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Members of the 7th Senatorial District Legislators Caucus:

Senator John Loudon	Representative Jane Cunningham
Representative Catherine Hanaway	Representative Allen Icet
Representative Al Liese	Representative Sam Page
Representative Charles Portwood	Representative Neal St. Onge
Representative Jodi Stefanick	Representative Clint Zweifel

Senator Shields submitted the following:

February 20, 2003

Ms. Terry Spieler
Secretary of the Senate
Room 325

Dear Ms. Spieler:

I respectfully request that SCS for SB 303 be removed from the consent calendar.

Thank you.

/s/ Charlie

Senator Charles Shields

INTRODUCTIONS OF GUESTS

On behalf of Senator Dolan and himself, Senator Gross introduced to the Senate, Travis and Patrick Bardgeon, St. Charles.

Senator Clemens introduced to the Senate, the Physician of the Day, Dr. John W. Esther, M.D., and his son, Windsor, Springfield; and Windsor was made an honorary page.

Senator Stoll introduced to the Senate, eighteen fourth grade students from Sacred Heart School, Festus.

On motion of Senator Gibbons, the Senate adjourned until 2:00 p.m., Monday, February 24, 2003.

SENATE CALENDAR

TWENTY-SIXTH DAY—MONDAY, FEBRUARY 24, 2003

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 413-Steelmann, et al	SB 525-Dolan
SB 440-Steelmann	SB 526-Gross
SB 441-Dougherty	SB 527-Gross
SB 444-Shields and Steelmann	SB 528-Gross
SB 463-Gross	SB 529-Childers
SB 473-Stoll	SB 530-Childers
SB 493-Kennedy	SB 531-Childers
SB 497-Yeckel, et al	SB 532-Mathewson and Childers
SB 501-Gross	SB 533-Cauthorn
SB 502-Vogel	SB 534-Cauthorn
SB 503-Jacob	SB 535-Yeckel
SB 504-Clemens and Champion	SB 536-Jacob
SB 505-Clemens	SB 537-Jacob
SB 506-Clemens	SB 538-Dolan
SB 507-Bray	SB 539-Bray
SB 508-Bray	SB 540-Gross
SB 509-Bray	SB 541-Scott
SB 510-Kinder	SB 542-Caskey
SB 511-Kinder, et al	SB 543-Dougherty and Foster
SB 512-Russell	SB 545-Mathewson
SB 513-Kennedy and Coleman	SB 546-Caskey
SB 515-Bland	SB 547-Caskey
SB 516-Kennedy and Coleman	SB 548-Champion
SB 517-Jacob	SB 549-Days, et al
SB 518-Steelmann	SB 550-Scott
SB 519-Foster	SB 551-Yeckel
SB 520-Klindt	SB 552-Yeckel
SB 521-Gross	SB 553-Bartle
SB 522-Gross	SB 554-Klindt
SB 523-Kennedy and Griesheimer	SB 555-Kinder and Foster
SB 524-Jacob	

SB 556-Kinder, et al
 SB 557-Shields
 SJR 19-Clemens

SJR 20-Bray
 SJR 21-Cauthorn

HOUSE BILLS ON SECOND READING

HCS for HB 185
 HB 198-Stevenson, et al

HCS for HBs 122 & 80
 HB 74-St. Onge

SENATE BILLS FOR PERFECTION

SB 234-Quick
 SB 84-Cauthorn and Klindt, with SCS
 SB 69-Yeckel, with SCS
 SB 34-Loudon

SB 347-Loudon, et al, with
 SCS
 SB 481-Dolan, et al, with SCS
 SB 24-Steelmann, with SCS

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 112-Loudon, with SCS
 SB 217-Champion and Clemens
 SB 265-Shields and Scott,
 with SCS
 SB 436-Klindt, with SCS,
 SS for SCS, SA 2 &
 point of order (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/10

SB 62-Caskey

SB 275-Russell

Reported 2/17

SB 122-Caskey, with SCS
SB 292-Yeckel
SB 108-Gross
SB 29-Gross, with SCS
SB 50-Coleman
SB 4-Caskey and Russell,
with SCS
SB 117-Shields, with SCS
SB 216-Foster
SB 289-Dolan, et al

SB 314-Dolan
SB 7-Mathewson, with SCS
SB 239-Mathewson and Scott,
with SCS
SB 301-Bray
SB 357-Shields
SB 370-Foster
SB 379-Champion, with SCS
SB 383-Dolan

Unofficial
RESOLUTIONS

Reported from Committee

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

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