

Journal of the Senate

SECOND REGULAR SESSION

FIFTH DAY—WEDNESDAY, JANUARY 14, 2004

The Senate met pursuant to adjournment.

President Maxwell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Steer clear of foolish discussions which lead people into the sin of anger.” (2Timothy 2:16)

Gracious Father, grant unto us the wisdom to know that if we must speak, that our words must convey the grace that touches others to hear us and the power You give us to convince others of the rightness of our cause. And grant us conversations that will not lead to anger or bitterness less we offend those not as strong as we. 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	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	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 Dolan—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1107, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald “Don” Ghere, Butler, which was adopted.

Senator Bland offered Senate Resolution No. 1108, regarding Matthew Lee “Matt” McDonald, Kansas City, which was adopted.

Senator Bland offered Senate Resolution No. 1109, regarding Daniel Alan “Danny” White, Kansas City, which was adopted.

Senator Bland offered Senate Resolution No. 1110, regarding Bret David Noble, Kansas City, which was adopted.

Senator Gross offered Senate Resolution No. 1111, regarding Janet S. Storm, RDH, St. Charles, which was adopted.

Senator Gross offered Senate Resolution No. 1112, regarding Bernard Ray Storm, DDS, St. Charles, which was adopted.

Senator Scott offered Senate Resolution No. 1113, regarding Jesse Morris, Warsaw, which was adopted.

Senator Scott offered Senate Resolution No. 1114, regarding Dennis Meisel, Warsaw, which was adopted.

Senator Mathewson offered Senate Resolution No. 1115, regarding Miles Steele, Sedalia, which was adopted.

Senator Klindt offered Senate Resolution No. 1116, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Alan Dale Hilsabeck, Maryville, which was adopted.

Senator Klindt offered Senate Resolution No. 1117, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Bob Gregory, Maryville, which was adopted.

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 Speaker has appointed the following escort committee to act with a like committee from the Senate pursuant to **HCR 1**. Representatives: Townley, Miller, Reinhart, Crawford, Holand, Purgason, Witte, Bland, Jolly and Bringer.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following escort committee for the Lieutenant Governor and Senators attending the State of the Judiciary address. Representatives: King, Black, Luetkemeyer, Myers, Phillips, Rector, Willoughby, Graham, Seigfreid and Shoemyer.

SECOND READING OF SENATE BILLS

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

Committees indicated:

SB 711—Ways and Means.

SB 874—Transportation.

SB 908—Small Business, Insurance and Industrial Relations.

SB 990—Small Business, Insurance and Industrial Relations.

SJR 32—Education.

SJR 41—Governmental Accountability and Fiscal Oversight.

President Pro Tem Kinder, pursuant to **HCR 1**, replaced himself with Senator Gross.

Senator Gibbons moved that the Senate recess to repair to the House of Representatives to receive a message from the Chief Justice of the Supreme Court, the Honorable Ronnie L. White, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Maxwell.

On roll call the following Senators were present:

Present—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Griesheimer
Gross	Jacob	Kennedy	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Steelman	Stoll
Vogel	Wheeler	Yeckel—31	

Absent—Senator Quick—1

Absent with leave—Senators

Dolan Kinder—2

On roll call the following Representatives were present:

Present—Representatives

Abel	Angst	Baker	Barnitz
Bean	Bearden	Behnen	Bishop
Bivins	Black	Bland	Bough
Boykins	Bringer	Brooks	Brown
Bruns	Burnett	Byrd	Campbell
Cooper 120	Cooper 155	Corcoran	Crawford
Crowell	Cunningham 145	Cunningham 86	Curls
Darrough	Daus	Davis 122	Davis 19
Deeken	Dempsey	Dethrow	Dixon
Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Engler	Ervin	Fares
Fraser	George	Goodman	Graham
Green	Guest	Hampton	Harris 110
Harris 23	Haywood	Henke	Hilgemann
Hobbs	Holand	Hoskins	Hubbard
Hunter	Ice	Jetton	Johnson 47
Johnson 90	Jolly	Jones	Kelly 144
Kelly 36	King	Kingery	Kratky
Kuessner	Lager	Lawson	Lembke
LeVota	Liese	Lipke	Lowe
Luetkemeyer	Marsh	May	Mayer
McKenna	Meiners	Miller	Moore
Morris	Muckler	Munzlinger	Myers
Nieves	Page	Parker	Pearce
Phillips	Portwood	Pratt	Purgason
Quinn	Ransdall	Rector	Reinhart
Richard	Roark	Ruestman	Rupp
Sager	Salva	Sander	Schaaf
Schlottach	Schneider	Schoemehl	Seigfreid
Selby	Self	Shoemaker	Shoemyer
Skaggs	Smith 14	Spreng	St. Onge
Stefanick	Stevenson	Sutherland	Swinger
Taylor	Thompson	Threlkeld	Townley
Viebrock	Villa	Vogt	Wagner
Walker	Wallace	Walsh	Walton
Ward	Wasson	Whorton	Wildberger
Willoughby	Wilson 119	Wilson 130	Wilson 25
Wilson 42	Witte	Wood	Wright
Yaeger	Yates	Young	Zweifel
Madam Speaker—157			

Absent and Absent with Leave—Representatives

Avery	Carnahan	Jackson	Johnson 61
Smith 118—5			

Vacancies—1

The Joint Committee appointed to wait upon the Chief Justice of the Supreme Court, Ronnie L. White, escorted the Chief Justice to the dais where he delivered the State of the Judiciary Address to the Joint Assembly:

2004 STATE OF THE JUDICIARY ADDRESS**CHIEF JUSTICE RONNIE WHITE**

President Maxwell, Speaker Hanaway, distinguished members of the Senate and House of Representatives, honorable statewide elected officials, esteemed colleagues of the Court, and honored guests –

You know, it is indeed a pleasure to be here with you this morning. As I walked through the doors back there, I thought of how amazing this is, after having served in this body.

I want to take a minute and thank Speaker Hanaway for attending the kick-off celebration for Martin Luther King, Jr., in St. Louis on Saturday night at Harris-Stowe State College. The people there were very, very proud and pleased to see her and the bipartisan delegation of house members who were also with her.

I'd also like to take a moment and introduce two people who have been with me since the beginning – my wife, Sylvia ... and our son, Ronnie II.

I come before you today as Chief Justice to perform the traditional duty of sharing with you the state of our judiciary. I remember the first time I came into this chamber almost 15 years ago as a newly elected representative. It is reassuring as I stand before you today to see some familiar faces from that very first day.

Senator Maida Coleman from St. Louis was one of the people who helped me to get here. When I was running for elective office in 1989 and going door to door in my district, I happened to stop by Senator Coleman's house. You could not imagine what I got when I knocked on the door. She began to tell me all the things I needed to do when I got elected, so I thought about it and I said, "Well, why don't you come out of the house and help me do it?" And look at where she is today! And I want to say to you, Senator Coleman, I am very proud of you and pleased to be your friend.

And after Senator Coleman helped me to get here, one of the first people I met was Senator Mary Bland from Kansas City. In fact, during my time in the House, I was her seatmate, and sometimes after some bruising committee battles and deep debates, I would come back to my chair and sit down, and Senator Bland would say, "Representative White, I'm praying for you." Well as I stand before you today, I want to say to you, Senator, your prayers have been answered. And she would also follow up and say, "You're going to be all right." Well, after 15 years, a lot of time has passed and things have happened, I want to say to you, Senator Bland, I am all right.

While tradition and duty require me to speak to you today, a much more immediate duty compels continued communication with each other throughout the rest of this year. As someone who once served in this very room, I empathize with you as you face yet another historically challenging year. It is no secret that painstaking choices will have to be made – funding our public schools, helping children in our foster care system, dealing with the state's budget difficulties. Our charge, then, is to work together wherever we can so that those hard choices are made in the most informed and cooperative environment possible.

Last session, the judiciary offered leadership and solutions when it was required of us, and we offered information and cooperation when leadership was required of you. This cooperation between our branches of government made possible the important work of the Commission on Children's Justice. This same cooperation produced a judiciary budget that sustained difficult cuts but still preserved the judicial branch's ability to fulfill its essential role for the citizens of this state.

In addition, we collaborated with you to find places where our effectiveness could be improved. Even before the passage of House Bill 600, the judicial branch was generating \$370 million in positive economic impact each year. I'm not talking about lawsuits here – I'm talking about the court costs, fines, fees and restitution that the courts collect for the state and its citizens. Through the passage of HB 600, we advocated and you adopted changes that will allow us to collect outstanding court costs and fines more efficiently at no cost to taxpayers other than that necessary to operate the judicial branch of government. While this money alone will not alleviate the state's financial situation, it provides a small measure of relief to some, particularly school districts – and it sends an important message about justice to those who believe they can utilize the service of justice and violate our laws without paying.

But this is just one example of what we can achieve when we work together. We must continue in this spirit of mutual cooperation for this year and for years to come – no matter who may come and go from the office of Judge, Senator, or Representative.

In that spirit of cooperation, then, let me relate to you where the judicial branch stands now, and where, with your help, we hope to be in years to come. As I stated at our annual Bar meeting in October, I have a firm commitment to doing whatever I can to promote a more professional, diverse and technologically integrated future for the justice community in this state. Let me also reaffirm our commitment to saving money where we can and working with you to make our judiciary a more efficient one.

At the outset, I want to thank all those people who make our efficiency possible – our employees. We all know that it is the employees across this state who provide direct services to the citizens every day and who are the face of Missouri state government. And with the budget constraints over the past several

years, many of these employees are bringing less money home to their families now than they were four or five years ago. I request, therefore, that you give these people every due consideration even in the face of the current fiscal problems. For if we cannot keep our best and brightest state employees, we all suffer.

Now, as to the issue of professionalism, let me say that it is an honor to serve as Chief Justice with such distinguished colleagues. For many years and through many different judges, we at the Court have attempted to create an environment that is collegial, not combative – and always dedicated to preserving the integrity of the law. While our opinions differ on occasion – although not nearly as frequently as one might think – we always seek to ensure that the time-honored processes by which we make our decisions remain intact.

At least to some extent, I believe we owe this high quality of my colleagues on the Supreme Court – regardless of the political affiliation of the governor who appointed them – to a nonpartisan court plan that for more than 60 years has made our state an example to the nation.

Missouri itself has changed drastically since its voters first adopted the nonpartisan plan in 1940. Counties that were once considered rural are now so large in population that they rival even our largest cities, and the needs of their courts have become more complex. In addition, as election costs inevitably rise, unforeseen pressures are placed on members of the judiciary as well as on those who seek to replace them. In even the best of scenarios, the appearance of the intrusion of politics – and money – into the judicial process becomes difficult to avoid.

For these reasons, I announced my intention last July to discuss the expansion of the nonpartisan court plan into Greene, Jefferson and St. Charles Counties, the three next largest counties that do not already operate under the plan. In my discussions with local bar associations, I have made it clear that, whatever we do, we must do in full cooperation with the circuits – and more importantly the people – because it is pointless to proceed if the citizens in those areas do not want change. However, we should at least be open to discussing and determining whether current systems continue to meet our constantly evolving needs and to do so in an atmosphere of civility and respect. Our talks so far have been well received, and I believe that many who originally had misgivings about the plan have begun to think positively about its potential value. In fact, the Springfield Metropolitan Bar Association voted 2-1 to support the nonpartisan plan in Greene County, and discussions are underway in St. Charles County. I hope to speak with the Jefferson County Bar Association in the near future.

Ultimately, these decisions must be made locally. And let me be clear – we are not asking the general assembly in any way to expand the nonpartisan plan. Even I seek only to act as a conduit for discussion. I realize that many of you in this room may have

misgivings about my proposal, and reasonable minds can certainly differ on this issue. I therefore welcome your input and offer to conduct a legislative forum so you can discuss your positions – positive or negative – and your important voices can be heard on this issue.

In addition to serving as a facilitator for public discussions about the nonpartisan court plan, the judicial branch must also review its own internal court policies to seek out ways in which we can improve professionalism. Our judicial committees and bar committees remain dedicated to this very cause. As one excellent example of such a review, last fall the Supreme Court Family Court Committee completed the *Missouri Resource Guide for Best Practices in Child Abuse and Neglect Cases*. Nearly a thousand professionals in the juvenile justice field – including every single member of the judicial branch who is assigned to work on juvenile cases – attended cross-training in these best practices.

I hope that, through efforts such as these, you will continue to see the judiciary as a willing partner for positive change. Our doors remain open – your ideas are welcome, and we hope that you work with us as we strive to create the judicial system of the future.

There are many ways in which our present system demonstrates our promising future. Our internationally award-winning efforts to use advanced technologies in the courts have done much to improve judicial services, and technology holds the promise of even greater returns if we can capitalize on this investment.

I realize that many of my predecessors have discussed this program with you, but for me it retains personal importance. In 1993, when I was still in the state legislature, I sponsored House Bill 681 – the first bill seeking to automate our state courts. Although not many seemed to share this vision at the time, I realized then that the future of Missouri courts would lie in their ability to embrace technology in their efforts to provide service, justice and access to the citizens of this state.

Well, now the "future" is here. We all realize that advanced technology is an absolute business necessity, not a hypothetical dream or automation project. The state has an automated payroll system and automated driving records, law enforcement has the automated Missouri Uniform Law Enforcement System, and you here in the legislature have automated drafting, filing and tracking of bills and amendments. Similarly, for our judicial branch to remain able to provide exceptional service to the public effectively, we must continue to scrape our way into the 21st century by finding a way to afford those technological tools essential to an effective judicial system.

I thank each of you for recognizing this need last session through the passage of Senate Bill 448. With the leadership of Senator Matt Bartle and Representative Richard Byrd, we were able

to extend the court automation fee until 2009, preserving a valuable business tool for the operation of court technology. I want to publicly extend my thanks to them and to all of you who continue to support this vitally important effort.

Although there is still much to be done, there is much that is already working well. The state's online case information system, Case.net, and case management program, Justice Information System – commonly known as JIS – are improving the business of our courts in many ways that may not be obvious to the casual observer but that would be noticeable immediately if they were no longer present.

For example, the general assembly relies on the judicial branch to collect all the fees that fund many worthy causes across the state – including the traffic fines that support our local schools and the crime victims' compensation fund. For courts using JIS, it took only a flip of the switch to begin collecting, tracking and distributing the new costs quickly and efficiently. It is not as easy for the 40 other counties that do not yet have JIS due largely to budget constraints. And for some of those courts, can you believe that their clerk staff had to manage the six new fees created last session manually by adding six new envelopes to the pegboard?

Just imagine how your day-to-day business in this building would be different if you still had to rely on typewriters and carbon copies to circulate amendments to your legislative packages. I'm sure your staff would be horrified by the very thought! Consider this: we still have areas in this state where the courts account for hundreds of thousands – if not millions – of dollars using manual accounting systems. We cannot continue to move some 800,000 new cases and account for some \$370 million annually when some courts still are using systems that were designed in the 1950s.

But technology is not just about making us more efficient at our jobs. With that efficiency also comes significant cost savings and the ability to generate revenue. For example, a study we recently conducted in three counties identified a total of \$2.3 million in costs and fines that litigants have failed to pay – money we now can collect under HB 600 – at least in those counties that have JIS. If that is what we can do in just three counties, imagine the millions of dollars the judicial branch may be able to collect statewide. I must emphasize that this effort, along with others, seeks to go after those who fail to pay their obligations. While to some extent it is about money, more importantly it is about the enforcement of court orders and accountability to the laws you pass.

Judicial technology is also about facilitating the provision of immediate services to children and others at risk, ensuring an efficient investment of time and resources into each case, eliminating duplicate paperwork ... and saving the state even more money. I hope you will continue to support this important investment of judicial technology.

Of course, the system is capable of providing many more benefits, but fiscal prudence mandates that we be creative in discovering new ways to bring more counties into the information age. For example, although no new state dollars were available, the Jackson County Circuit Court determined that JIS was vital enough to its business needs that it was able to implement the system without the state spending any significant dollars toward that effort.

We will, of course, continue to explore any option that allows us to move forward with technology, which is vital not only to the judicial branch but also to the interests of accountability to the laws you pass, to the interests of public safety, and to the interests of those who use our courts every day. This is why it is so important that, even in these challenging times, we all remain committed to doing what works and to changing what needs to be fixed. I look forward to working with you to ensure a bright technological future for the judicial system in Missouri.

While we look to the future in court technology, we also must look to the future of the people who practice law in this state. To do that, we must make every effort to improve racial and gender diversity. Our legal community should strive to be as diverse as the people who live in this great state, because equal access to justice can only be realized fully when there is equal opportunity for **all** to serve in our system of justice. When people come to our courthouses, they need to see that other people just like them have every opportunity to thrive in the Judiciary as a workplace. They need to feel vested in, rather than controlled by, our system of justice.

I think at times we take much for granted in this great country – particularly in relation to our government and its institutions. It has become all too commonplace today to engage in rhetoric that does not challenge us to be better. Unlike virtually any other country in the world, this is our government, yours and mine. The American justice system remains a beacon to the world in spite of its failings, perceived and real. It is a beacon because we, the citizens of this great country, have a vested interest in that system as our system of justice. For people to obtain justice, people must see that equal access to justice is more than just a vision ... they must see it as a reality.

So how does the judicial branch achieve this goal in concrete ways that can be implemented feasibly? First, through the Missouri plan, we must diversify our selection panels so that both selectors and those selected represent a wide cross-section of the citizenry. Without diversifying the ranks of those who aspire to become trial judges and appellate judges, we will struggle to develop the array of applicants we seek.

I believe it is clear that diversity must begin at the very earliest levels, from pre-law and paralegal programs to law school to entry-level positions throughout the legal community ... and perhaps even

earlier than that ... so that in the future, diversity does not require effort but rather takes place as a matter of course in a profession where all facets of society are represented.

Already, progress has been made on this front, as my own experience illustrates. I can remember attending my first appellate section meeting at the 1994 judicial conference. I was the only African-American in attendance. That is because, of the 39 appellate judges in the state at that time, I was the only African-American judge among them, and there were only three women on the appellate court then. But time has passed, and the diversity of the appellate bench is getting better. I am now on the Supreme Court, and we have four African-American judges on the Court of Appeals, plus a total of nine women on the appellate bench, including my colleague at the Supreme Court, Laura Stith. We also have the first Jewish judge to serve on the Supreme Court, my friend Rick Teitelman.

However, this progress does not mean that the judicial branch is where it needs to be. So I invite you to help us in any way you can. Encourage the women and minorities in your constituencies to consider the law as a career whenever you can. Foster in them an interest in the legal system of this great state. Help us end this discussion by making Missouri a nationwide example of a diverse, innovative legal community – a legacy of which we can all be proud.

I truly believe the future of our entire judiciary can be bright for all – but only if we work with you to create it in the present. We remain willing to do our part, to lead when needed, and to aid you in implementing change when you seek it from us. We welcome the discussions brought forth by the Interim Committee on Judicial Resources, and we look forward to working with all parties in the interest of creating a more efficient, modernized judiciary in this session and in sessions to come. We continue to look for savings where we can, and we ask, out of respect for our different but co-equal responsibilities under the constitution, that we work together to find these savings. It is the responsibility of both the judiciary and the legislature to preserve essential judicial functions and maintain the effectiveness of the third branch of government.

In conclusion, we remain committed to providing greater service, access and justice throughout the state. In partnership with each of you, I am certain that our commitment will be fulfilled. Thank you for listening.

On motion of Senator Gibbons, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Gross.

CONCURRENT RESOLUTIONS

Senators Kennedy, Dougherty and Days offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 27

WHEREAS, the U.S. Postal Service was established as a public service by our founding fathers in 1775 to bind our nation together by providing a means for commerce and communication; and

WHEREAS, the framers of the Constitution charged the federal government with providing postal services to all communities, rich and poor, urban and rural, with uniform postage rates; and

WHEREAS, for nearly two hundred and thirty years the availability of dependable, affordable mail service has proved vitally important to many American businesses and citizens; and

WHEREAS, the Postal Service remains an important part of our nation's economic infrastructure, through which nearly one trillion dollars of economic activity is conducted each year, and through which nine million people are employed; and

WHEREAS, Americans currently enjoy the most extensive postal service at the lowest postage rates of any major industrialized nation in the world; and

WHEREAS, the Postal Service operates without taxpayer subsidies, and postage rate increases have remained at or below the inflation rate; and

WHEREAS, in pursuit of a solution to the Postal Service's recent challenges, which were brought in part by declining mail volume amid a recession and terrorist attacks, the president has charged a commission to recommend far-reaching changes to postal operations and services; and

WHEREAS, despite the Postal Service's recent economic difficulties, it continues to provide special below-cost postage discounts to large business and advertising mailers, driving the Postal Service billions of dollars into debt, and ultimately causing small businesses and ordinary citizens to subsidize those discounts through higher postage rates; and

WHEREAS, the commission is considering a wide range of "solutions" such as cutting services in many communities by closing post offices or reducing their hours of operation and the number of days mail is delivered each week; introducing a complicated postage rate structure that would charge postal patrons based on where they send their letters and packages, or even turning over postal operations to private, for-profit enterprises; and

WHEREAS, millions of older, economically disadvantaged and disabled Americans do not have easy access to the Internet or to electronic banking and bill paying, and therefore are heavily

dependent on the Postal Service for communicating and conducting business transactions; and

WHEREAS, the continuation of six-day mail delivery is important for many businesses and community organizations, as well as many citizens who depend on Saturday delivery for receiving checks, prescription drugs, gifts, and greeting cards; and

WHEREAS, replacing the Postal Service's public service obligation with a profit seeking mandate would undermine the Postal Service's historic "universal service" obligation, weaken its national infrastructure, and divide our nation politically and economically:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby urge Congress to reject any recommendations from the President's Commission to base postal services on profit seeking motives or to cut services to any American community; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States and Missouri's Congressional delegation.

INTRODUCTION OF BILLS

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

SB 1056—By Bartle.

An Act to repeal section 99.845 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and section 99.845 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof one new section relating to tax increment financing.

SB 1057—By Bartle.

An Act to repeal sections 160.534, 163.201, and 164.303, RSMo, and to enact in lieu thereof three new sections relating to gambling moneys for schools.

SB 1058—By Bartle.

An Act to repeal section 313.820, RSMo, and

to enact in lieu thereof one new section relating to gaming boat admission fees, with a referendum clause.

SB 1059—By Bartle and Champion.

An Act to repeal section 143.431, RSMo, and to enact in lieu thereof two new sections relating to Missouri taxable income of corporations.

SB 1060—By Bartle.

An Act to amend chapter 488, RSMo, by adding thereto one new section relating to court filing fees.

SB 1061—By Callahan.

An Act to repeal section 99.845, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session, and senate bill no. 235, ninety-second general assembly, first regular session, and section 99.845, as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof one new section relating to tax increment financing, with an emergency clause.

SB 1062—By Griesheimer.

An Act to repeal section 311.485, RSMo, and to enact in lieu thereof one new section relating to liquor licenses for caterers.

SB 1063—By Scott.

An Act to amend chapter 238, RSMo, by adding thereto one new section relating to transportation development districts.

SB 1064—By Scott and Clemens.

An Act to repeal section 488.2205, RSMo, and to enact in lieu thereof one new section relating to court costs.

SB 1065—By Steelman and Gross.

An Act to repeal section 260.475, RSMo, and to enact in lieu thereof one new section relating to

hazardous waste fees.

SB 1066—By Steelman.

An Act to repeal sections 537.675, 537.678, and 537.684, RSMo, and to enact in lieu thereof three new sections relating to the tort victims' compensation fund.

SB 1067—By Bland.

An Act to amend chapter 354, RSMo, by adding thereto twenty new sections relating to health care benefits, with a contingent effective date for certain sections and a referendum clause.

SB 1068—By Gross and Stoll.

An Act to amend chapter 392, RSMo, by adding thereto one new section relating to telecommunications service.

SB 1069—By Gross and Griesheimer.

An Act to repeal sections 386.020, 392.220, and 392.245, RSMo, and to enact in lieu thereof four new sections relating to telecommunications companies.

SB 1070—By Gross and Goode.

An Act to repeal section 253.420, RSMo, and to enact in lieu thereof two new sections relating to shipwreck site protection, with penalty provisions.

SB 1071—By Bartle, Russell, Klindt, Scott, Cauthorn and Steelman.

An Act to repeal section 188.028, RSMo, and to enact in lieu thereof one new section relating to informed consent for abortion.

SB 1072—By Dougherty, Kennedy, Coleman, Bray, Russell, Childers and Days.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to the creation of the Hope scholarship program.

SB 1073—By Dougherty and Foster.

An Act to repeal section 168.104, RSMo, and to enact in lieu thereof one new section relating to teacher tenure.

SB 1074—By Coleman.

An Act to repeal section 328.080, RSMo, and to enact in lieu thereof two new sections relating to barber apprentices.

SB 1075—By Coleman.

An Act to authorize the sale of certain state property.

SJR 42—By Coleman.

An Act submitting to the qualified voters of Missouri, an amendment to article IX of the Constitution of Missouri relating to education.

RESOLUTIONS

Senators Steelman and Nodler offered the following resolution:

SENATE RESOLUTION NO. 1118

WHEREAS, the New Source Review Program under the Federal Clean Air Act has been seen by some as confusing, in need of clarification and has been the subject of debate over many years; and

WHEREAS, the primary source of confusion involves questions over definitions within the federal regulations, namely “modification”, “repair”, and “routine maintenance”; and

WHEREAS, further evidence of confusion and lack of objective standards within the federal regulations can be seen in the numerous lawsuits which have been filed in recent years by the Environmental Protection Agency challenging work performed by individuals as violations of the New Source Review Rule; and

WHEREAS, on October 27, 2003, the EPA published a rule that provided some clarification, the Equipment Replacement Provision, 68 C.F.R. Section 61, 248-61, 280; and

WHEREAS, the Equipment Replacement Provision provides a bright line test for determining when the replacement of broken or deteriorating equipment is “routine”; and

WHEREAS, the Equipment Replacement Provision provides states and industry with definitive standards for judging source “modifications”; and

WHEREAS, the state of New York, along with eleven other states, filed suit in an action styled *State of New York, et al v. U.S. EPA*, No. 03-01380 (D.D.C., 2003), to have this new rule declared invalid; and

WHEREAS, it is believed that the new rule provides the clarity with which the regulated community deserves to possess when

considering improvements to individual operating facilities; and

WHEREAS, it is believed that the EPA's Equipment Replacement Provision should remain in full force and effect, providing the regulated community with the clarity and objective standards needed to conduct business in an appropriate manner; and

WHEREAS, the Missouri Department of Natural Resources is currently working to adopt new state rules that will comply with the New Sources Review Program under the Federal Clean Air Act on an expedited basis; and

WHEREAS, the availability of state rules that are compliant with the Federal Clean Air Act is vital to the retention and creation of industrial jobs in Missouri; and

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Second General Assembly, Second Regular Session, hereby urge the validation of the rule as promulgated by the EPA known as the Equipment Replacement Provision set forth in 68 C.F.R. Section 61,248-61,280, so as to provide necessary clarity to the regulated community as to what constitutes routine maintenance and modification; and

BE IT FURTHER RESOLVED that the Senate commits to join in the Motion to Intervene in the lawsuit styled *State of New York, et al v. U.S. EPA*, No. 03-01380 (D.D.C., 2003), in support of the EPA rule.

Senator Caskey offered Senate Resolution No. 1119, regarding Delbert R. Bodenhamer, Warrensburg, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Klindt introduced to the Senate, Gregory and Amy Haddock, and their children Cindy and Tyler, Maryville; and Cindy and Tyler were made honorary pages.

Senator Days introduced to the Senate, Charlie Dooly, Alan Green, Tom Curren, Sandy Riley and Skip Mange, St. Louis.

Senator Shields introduced to the Senate, David and Sandi Leichti, and their daughters, Sara and Megan, and Betty and George Leichti, St. Joseph.

Senator Russell introduced to the Senate, Sybil Slaughter, Lebanon.

Senator Loudon introduced to the Senate, the

Physician of the Day, Dr. Steve Smith, Chesterfield.

Senator Scott introduced to the Senate, Chuck Matthews, Buffalo.

Senator Yeckel introduced to the Senate, Judith Barker, and her grandchildren, Amanda and Dennis Connors, Lemay; and Amanda and Dennis were made honorary pages.

Senator Gibbons introduced to the Senate, Steven and Regina Hermann, Webster Groves.

Senator Kennedy introduced to the Senate, Leslie Miles, Dave Hurst and Tony Ribaud, St. Louis.

Senator Dougherty introduced to the Senate, Ayesha Harmon, Chicago, Illinois.

Senator Gross introduced to the Senate, Tracy Bono and her daughter Emma Kelly and Alyssa Henderson, St Charles; and Emma and Alyssa were made honorary pages.

Senator Gibbons introduced to the Senate, twenty-five eighth grade students from St. Gerard Majella School, Kirkwood; and Neal Fitzgerald, Stephen Kelly, Caitlin Corcoran, and Bridget Doerr were made honorary pages.

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

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SENATE CALENDAR

SIXTH DAY—THURSDAY, JANUARY 15, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 702-Russell
 SB 708-Mathewson
 SB 716-Childers
 SB 729-Steelman
 SB 746-Dougherty, et al
 SB 751-Coleman
 SB 753-Coleman
 SB 774-Wheeler
 SB 787-Childers
 SB 788-Childers
 SB 790-Yeckel
 SB 824-Griesheimer
 SB 826-Bartle
 SB 840-Goode
 SB 844-Yeckel

SB 857-Klindt
 SB 869-Shields
 SB 870-Bartle
 SB 873-Bray
 SB 877-Goode and Days
 SB 883-Klindt
 SB 884-Klindt
 SB 889-Goode
 SB 890-Bland
 SB 892-Bland
 SB 893-Goode
 SB 894-Goode
 SB 898-Bland
 SB 901-Goode
 SB 902-Bland

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SB 903-Bland	SB 945-Gibbons
SB 904-Gross and Nodler	SB 946-Bray, et al
SB 905-Foster	SB 947-Russell
SB 906-Foster	SB 948-Steelmann
SB 907-Klindt	SB 949-Steelmann
SB 909-Bartle	SB 950-Griesheimer
SB 910-Bland	SB 951-Griesheimer
SB 911-Bland	SB 952-Wheeler
SB 912-Dougherty and Days	SB 953-Caskey
SB 913-Dougherty and Bray	SB 954-Foster
SB 914-Dougherty and Russell	SB 955-Scott
SB 915-Dougherty, et al	SB 956-Scott
SB 916-Dougherty	SB 957-Scott
SB 917-Dougherty and Bray	SB 958-Scott
SB 918-Dougherty, et al	SB 959-Childers
SB 919-Gibbons and Stoll	SB 960-Gibbons
SB 920-Caskey	SB 961-Champion
SB 921-Caskey	SB 962-Clemens
SB 922-Coleman	SB 963-Shields
SB 923-Goode	SB 964-Shields
SB 924-Bland	SB 965-Shields
SB 925-Bland	SB 966-Shields
SB 926-Loudon	SB 967-Shields
SB 927-Loudon	SB 968-Shields
SB 928-Loudon	SB 969-Shields
SB 929-Wheeler	SB 970-Childers
SB 930-Loudon	SB 971-Stoll
SB 931-Loudon	SB 972-Stoll
SB 932-Loudon	SB 973-Stoll
SB 933-Yeckel, et al	SB 974-Dougherty
SB 934-Bland	SB 975-Dougherty
SB 935-Gibbons	SB 976-Stoll
SB 937-Gross	SB 977-Stoll
SB 938-Gross	SB 978-Stoll
SB 939-Coleman	SB 979-Stoll
SB 940-Coleman	SB 980-Bartle
SB 941-Coleman	SB 981-Vogel
SB 942-Nodler	SB 982-Coleman
SB 943-Goode and Gross	SB 983-Quick
SB 944-Goode	SB 984-Foster

SB 985-Foster	SB 1027-Cauthorn, et al
SB 986-Cauthorn	SB 1028-Cauthorn
SB 987-Quick	SB 1029-Bray, et al
SB 988-Steelman	SB 1030-Bray, et al
SB 989-Gross, et al	SB 1031-Bray, et al
SB 991-Dougherty	SB 1032-Bray
SB 992-Cauthorn	SB 1033-Clemens, et al
SB 993-Cauthorn	SB 1034-Childers
SB 994-Coleman	SB 1035-Steelman and Mathewson
SB 995-Coleman	SB 1036-Steelman
SB 996-Shields	SB 1037-Steelman
SB 997-Shields	SB 1038-Yeckel
SB 998-Shields	SB 1039-Yeckel
SB 999-Griesheimer	SB 1040-Griesheimer
SB 1000-Bartle	SB 1041-Griesheimer
SB 1001-Wheeler	SB 1042-Griesheimer
SB 1002-Bray	SB 1043-Gross
SB 1004-Shields	SB 1044-Shields
SB 1005-Shields and Stoll	SB 1045-Kinder, et al
SB 1006-Goode, et al	SB 1046-Gibbons
SB 1007-Goode and Mathewson	SB 1047-Kennedy
SB 1008-Goode	SB 1048-Nodler, et al
SB 1009-Griesheimer	SB 1049-Bray
SB 1010-Dougherty, et al	SB 1050-Bray
SB 1011-Dougherty	SB 1051-Steelman
SB 1012-Caskey	SB 1052-Jacob
SB 1013-Stoll	SB 1053-Shields
SB 1014-Yeckel	SB 1054-Bartle and Wheeler
SB 1015-Kennedy	SB 1055-Bartle and Wheeler
SB 1016-Champion, et al	SB 1056-Bartle
SB 1017-Champion	SB 1057-Bartle
SB 1018-Champion	SB 1058-Bartle
SB 1019-Steelman	SB 1059-Bartle and Champion
SB 1020-Steelman and Kinder	SB 1060-Bartle
SB 1021-Steelman	SB 1061-Callahan
SB 1022-Gross	SB 1062-Griesheimer
SB 1023-Griesheimer	SB 1063-Scott
SB 1024-Stoll	SB 1064-Scott and Clemens
SB 1025-Griesheimer and Steelman	SB 1065-Steelman and Gross
SB 1026-Mathewson	SB 1066-Steelman

SB 1067-Bland
SB 1068-Gross and Stoll
SB 1069-Gross and Griesheimer
SB 1070-Gross and Goode
SB 1071-Bartle, et al

SB 1072-Dougherty, et al
SB 1073-Dougherty and Foster
SB 1074-Coleman
SB 1075-Coleman
SJR 42-Coleman

RESOLUTIONS

To be Referred

SCR 27-Kennedy, et al

SR 1118-Steelman and Nodler

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