

Journal of the Senate

SECOND REGULAR SESSION

SIXTH DAY—THURSDAY, JANUARY 15, 2004

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

“The eyes of the Lord are upon the righteous, and His ears are open unto their cry.” (Psalm 34:15)

Blessed Lord, You continue to watch over our lives as a mother her newborn. Help us live with such an awareness of Your observing us that what we do brings a blessing on our faithfulness. And let our voices, with those we love, be heard by You and our concerns and hopes noted by You as we seek to do Your will. 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.

Photographers from the Associated Press and Columbia Tribune were given permission to take pictures in the Senate Chamber today.

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

RESOLUTIONS

Senator Griesheimer offered Senate Resolution No. 1120, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Warner Hinnah, Marthasville, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1121, regarding Bob Dunaway Swartz, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1122, regarding Betty Nickell, Hannibal, which was adopted.

Senator Wheeler offered Senate Resolution No. 1123, regarding Mitchell Craft Bradbury, Kansas City, which was adopted.

Senator Foster offered Senate Resolution No. 1124, regarding Matthew Alan Umfleet, Piedmont, which was adopted.

Senator Nodler offered Senate Resolution No.

1125, regarding the Eightieth Birthday of Gilbert Paul Harper, Carthage, which was adopted.

Senator Kinder offered Senate Resolution No. 1126, regarding John Edward Dietrich, which was adopted.

Senator Gross offered Senate Resolution No. 1127, regarding Peter James Sheppard, St. Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 1128, regarding the death of Earl G. Henry, Beaumont, Texas, which was adopted.

INTRODUCTION OF BILLS

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

SB 1076—By Caskey.

An Act to repeal section 461.300, RSMo, and to enact in lieu thereof one new section relating to nonprobate transfers.

SB 1077—By Loudon.

An Act to repeal section 379.160, RSMo, and to enact in lieu thereof one new section relating to fire insurance coverage.

SB 1078—By Loudon.

An Act to repeal section 382.210, RSMo, and to enact in lieu thereof one new section relating to extraordinary dividends of insurance holding companies.

SB 1079—By Callahan and Yeckel.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to property taxation.

SB 1080—By Nodler, Foster, Kinder, Yeckel, Callahan, Childers, Klindt, Wheeler, Champion, Gibbons, Bland, Vogel, Cauthorn, Russell, Scott, Griesheimer, Mathewson, Shields, Steelman, Clemens, Days, Loudon, Coleman, Bray, Bartle, Kennedy and Gross.

An Act to repeal section 160.518, RSMo, and

to enact in lieu thereof one new section relating to education accountability standards.

SB 1081—By Kinder, Gross, Coleman, Clemens, Kennedy, Shields, Cauthorn, Callahan, Dolan, Loudon, Griesheimer and Yeckel.

An Act to amend chapter 431, RSMo, by adding thereto six new sections relating to resolution of disputes concerning alleged defective residential construction.

SB 1082—By Childers, Nodler, Griesheimer, Shields, Goode, Kennedy, Wheeler, Caskey, Scott, Steelman, Mathewson, Callahan, Days, Stoll, Russell, Foster, Cauthorn, Dougherty, Gibbons, Coleman, Yeckel, Jacob, Gross, Bartle and Vogel.

An Act to amend chapter 8, RSMo, by adding thereto seventeen new sections relating to state communications.

SB 1083—By Kennedy and Dougherty.

An Act to repeal section 701.342, RSMo, and to enact in lieu thereof one new section relating to testing for lead poisoning in children.

SB 1084—By Foster.

An Act to repeal section 169.596, RSMo, and to enact in lieu thereof one new section relating to the teacher retirement system.

SB 1085—By Foster, Yeckel, Vogel and Kinder.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to donations for multiple sclerosis.

SB 1086—By Cauthorn.

An Act to repeal section 375.937, RSMo, and to enact in lieu thereof one new section relating to homeowner insurance requirements by lenders.

SB 1087—By Days, Foster, Kennedy, Stoll, Jacob, Shields, Childers and Caskey.

An Act to repeal section 162.700, RSMo, and to enact in lieu thereof one new section relating to the placement of certain special education pupils.

SB 1088—By Steelman.

An Act to repeal sections 301.010 and 304.013, RSMo, and to enact in lieu thereof two new sections relating to the operation of all-terrain vehicles.

SB 1089—By Steelman.

An Act to repeal section 392.200, RSMo, and to enact in lieu thereof one new section relating to telecommunications service.

SB 1090—By Jacob.

An Act to repeal sections 168.303 and 169.712, RSMo, and to enact in lieu thereof two new sections relating to public schools retirement systems.

SB 1091—By Klindt.

An Act to repeal section 163.191, RSMo, and to enact in lieu thereof one new section relating to state aid to community colleges.

SB 1092—By Bartle.

An Act to amend chapter 99, RSMo, by adding thereto one new section relating to tax increment financing.

SB 1093—By Gibbons and Yeckel.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to investment of public funds.

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:

Raymond C. Tait, Ph.D. and Lori A. Ladd, as members of the Missouri State Advisory Council

on Pain and Symptom Management;

Also,

Lisa E. Betzler, as a member of the Missouri State Committee of Interpreters;

Also,

Andrew P. Nahlik, as student representative, and Deleta Parmley Williams and Lawrence H. Fick, as members of the Central Missouri State University Board of Governors;

Also,

Theodore W. Beaty, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products;

Also,

Steven R. Hermann and Phillip L. Gould, as members of the Seismic Safety Commission;

Also,

James E. Berry, as a member of the State Board of Health;

Also,

Judith K. Barker, as a member of the Board of Certification of Interpreters;

Also,

Orville L. Schaefer, as a member of the Safe Drinking Water Commission;

Also,

Karen D. Ferguson, as a member of the Personnel Advisory Board;

Also,

Margaret J. Russell and Russell E. Dayton, as members of the Advisory Commission for Clinical Perfusionists;

Also,

Rusty A. Brown and Timothy James Warren, as members of the Hazardous Waste Management Commission;

Also,

Gregory D. Haddock, Ph.D., as a member of

the Land Reclamation Commission;

Also,

Emily C. Dunn, as student representative to the Truman State University Board of Governors;

Also,

Gregory A. Roebach, as a member of the State Committee for Professional Counselors;

Also,

William J. Carr, as Chairman of the Missouri State Penitentiary Redevelopment Commission;

Also,

Tracy M. Bono, Bonnie Sue Lawson, James D. Jackson and Beth L. Viviano, as members of the Missouri Family Trust Board of Trustees;

Also,

David G. Liechti and Sybl D. Slaughter, as members of the State Board of Education;

Also,

Gregory Boyle and Kathleen A. Coleton, as members of the Missouri Acupuncturist Advisory Committee;

Also,

Queen D. Fowler, Ph.D., as a member of the Harris-Stowe State College Board of Regents;

Also,

Franklin D. Nickell, as a member of the Mississippi River Parkway Commission;

Also,

John K. Nisbett, Ph.D., as a member of the Amusement Ride Safety Board;

Also,

Garland G. Barton and Herb R. Johnson, as members of the Missouri Training and Employment Council;

Also,

Courtney Gohn Beykirch and Gilbert G.

Adkins, Jr., as members of the Board of Directors for the American National Fish and Wildlife Museum District;

Also,

Janet W. Hunt, as a member of the Missouri Real Estate Commission;

Also,

H. Bruce Nethington and Milamari A. Cunningham, M.D., as members of the Missouri Health Facilities Review Committee;

Also,

John D. Aylward, as a member of the State Soil and Water Districts Commission;

Also,

Lorene A. Van Dam, as a member of the State Board of Podiatric Medicine;

Also,

Mark A. Byington, as a member of the Peace Officer Standards and Training Commission;

Also,

Glennon R. Polete, as a member of the Missouri Real Estate Appraisers Commission;

Also,

David J. Heath, as a member of the Missouri Training and Employment Council;

Also,

Loramel P. Shurtleff, as a member of the Public Defender Commission;

Also,

Gretchen C. Lockett, as a member of the Board of Therapeutic Massage.

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.

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 1003**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

REFERRALS

President Pro Tem Kinder referred **SCR 27** and **SR 1118** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

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

SB 702—Education.

SB 729—Aging, Families, Mental and Public Health.

SB 746—Aging, Families, Mental and Public Health.

SB 751—Aging, Families, Mental and Public Health.

SB 790—Judiciary and Civil and Criminal Jurisprudence.

SB 840—Transportation.

SB 889—Commerce and the Environment.

SB 894—Transportation.

SB 901—Commerce and the Environment.

SB 902—Aging, Families, Mental and Public Health.

SB 903—Ways and Means.

SB 904—Aging, Families, Mental and Public

Health.

SB 905—Transportation.

SB 906—Small Business, Insurance and Industrial Relations.

SB 907—Small Business, Insurance and Industrial Relations.

SB 909—Judiciary and Civil and Criminal Jurisprudence.

SB 910—Small Business, Insurance and Industrial Relations.

SB 911—Commerce and the Environment.

SB 912—Aging, Families, Mental and Public Health.

SB 913—Judiciary and Civil and Criminal Jurisprudence.

SB 914—Aging, Families, Mental and Public Health.

SB 916—Judiciary and Civil and Criminal Jurisprudence.

SB 917—Small Business, Insurance and Industrial Relations.

SB 918—Small Business, Insurance and Industrial Relations.

SB 919—Transportation.

SB 920—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 922—Education.

SB 923—Education.

SB 924—Judiciary and Civil and Criminal Jurisprudence.

SB 925—Economic Development, Tourism and Local Government.

SB 926—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 928—Transportation.

SB 930—Small Business, Insurance and

Industrial Relations.

SB 931—Judiciary and Civil and Criminal Jurisprudence.

SB 932—Small Business, Insurance and Industrial Relations.

SB 933—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 934—Transportation.

SB 935—Transportation.

SB 938—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 940—Judiciary and Civil and Criminal Jurisprudence.

SB 941—Education.

SB 942—Economic Development, Tourism and Local Government.

SB 944—Commerce and the Environment.

SB 945—Education.

SB 947—Commerce and the Environment.

SB 949—Commerce and the Environment.

SB 950—Ways and Means.

SB 952—Economic Development, Tourism and Local Government.

SB 954—Commerce and the Environment.

SB 955—Transportation.

SB 956—Transportation.

SB 957—Judiciary and Civil and Criminal Jurisprudence.

SB 958—Transportation.

SB 962—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 964—Aging, Families, Mental and Public Health.

SB 965—Transportation.

SB 966—Small Business, Insurance and

Industrial Relations.

SB 967—Education.

SB 968—Education.

SB 969—Education.

SB 970—Economic Development, Tourism and Local Government.

SB 971—Judiciary and Civil and Criminal Jurisprudence.

SB 972—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 974—Judiciary and Civil and Criminal Jurisprudence.

SB 975—Education.

SB 976—Pensions and General Laws.

SB 977—Pensions and General Laws.

SB 978—Education.

SB 979—Education.

SB 980—Governmental Accountability and Fiscal Oversight.

SB 981—Ways and Means.

SB 982—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 984—Agriculture, Conservation, Parks and Natural Resources.

SB 985—Agriculture, Conservation, Parks and Natural Resources.

SB 986—Judiciary and Civil and Criminal Jurisprudence.

SB 988—Commerce and the Environment.

SB 989—Commerce and the Environment.

SB 991—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 993—Education.

SB 994—Judiciary and Civil and Criminal Jurisprudence.

SB 995—Pensions and General Laws.

SB 996—Judiciary and Civil and Criminal Jurisprudence.

SB 997—Ways and Means.

SB 998—Ways and Means.

SB 999—Commerce and the Environment.

SB 1000—Judiciary and Civil and Criminal Jurisprudence.

MESSAGES FROM THE HOUSE

The following message was 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 **HB 916**, entitled:

An Act to repeal sections 570.223 and 575.120, RSMo, and to enact in lieu thereof three new sections relating to identity theft, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 1094—By Scott, Kinder, Vogel, Yeckel, Loudon, Gross, Childers, Champion, Gibbons, Shields, Cauthorn, Nodler, Russell, Griesheimer, Dolan, Klindt, Foster and Clemens.

An Act to repeal sections 408.040, 490.065, 508.010, 508.040, 508.070, 510.263, 516.105, 537.067, 538.205, 538.210, 538.225, and 538.230, RSMo, and to enact in lieu thereof fifteen new sections relating to tort reform.

COMMUNICATIONS

President Pro Tem Kinder submitted the following:

January 14, 2004

Terry L. Spieler
Secretary of the Senate
Capitol Building, Room 325
Jefferson City, Missouri 65101

Senator Peter Kinder
Senate President Pro Tem
Capitol Building, Room 326
Jefferson City, Missouri 65101

Re: Joint Committee on Administrative Rules (JCAR)

Dear Terry and Peter:

Please make the following modification regarding Democrat appointments to Committees: Remove me from the Joint Committee on Administrative Rules (JCAR) and appoint Senator Bray to the vacancy.

Thank you so much for your attention to this matter.

Very best regards,

/s/ Ken
Ken Jacob

Also,

January 14, 2004

Terry L. Spieler
Secretary of the Senate
Capitol Building, Room 325
Jefferson City, Missouri 65101

Senator Peter Kinder
Senate President Pro Tem
Capitol Building, Room 326
Jefferson City, Missouri 65101

Re: Joint Committee on Transportation Oversight

Dear Terry and Peter:

Please make the following modification regarding Democrat appointments to Committees: Remove Senator Days from the Joint Committee on Transportation Oversight and appoint Senator Bray to the vacancy.

Thank you so much for your attention to this matter.

Very best regards,

/s/ Ken
Ken Jacob

Also,

January 14, 2004

Terry L. Spieler
Secretary of the Senate
Capitol Building, Room 325
Jefferson City, Missouri 65101

Senator Peter Kinder
Senate President Pro Tem
Capitol Building, Room 326
Jefferson City, Missouri 65101

Re: Joint Committee on Terrorism, Bioterrorism & Homeland Security

Dear Terry and Peter:

Please make the following modification regarding Democrat appointments to Committees: Remove Senator Dougherty from the Joint Committee on Terrorism, Bioterrorism & Homeland Security and appoint Senator Wheeler to the vacancy.

Thank you so much for your attention to this matter.

Very best regards,

/s/ Ken

Ken Jacob

Also,

January 14, 2004

Terry L. Spieler
Secretary of the Senate
Capitol Building, Room 325
Jefferson City, Missouri 65101

Senator Peter Kinder
Senate President Pro Tem
Capitol Building, Room 326
Jefferson City, Missouri 65101

Re: Committee on Rules, Joint Rules, Resolutions and Ethics

Dear Terry and Peter:

Please make the following modification regarding Democrat appointments to Committees: Remove me from the Committee on Rules, Joint Rules, Resolutions and Ethics and appoint Senator Dougherty to the vacancy.

Thank you so much for your attention to this matter.

Very best regards,

/s/ Ken

Ken Jacob

INTRODUCTIONS OF GUESTS

Senator Mathewson introduced to the Senate, the Physician of the Day, Dr. Donald Alcorn, Sedalia.

On motion of Senator Gibbons, the Senate adjourned until 12:00 noon, Tuesday, January 20, 2004

Journal

SENATE CALENDAR

SEVENTH DAY-TUESDAY, JANUARY 20, 2004

Copy
FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 708-Mathewson
SB 716-Childers
SB 753-Coleman
SB 774-Wheeler
SB 787-Childers

SB 788-Childers
SB 824-Griesheimer
SB 826-Bartle
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 890-Bland
SB 892-Bland
SB 893-Goode
SB 898-Bland
SB 915-Dougherty, et al
SB 921-Caskey
SB 927-Loudon
SB 929-Wheeler
SB 937-Gross
SB 939-Coleman
SB 943-Goode and Gross
SB 946-Bray, et al
SB 948-Steelman
SB 951-Griesheimer
SB 953-Caskey
SB 959-Childers
SB 960-Gibbons
SB 961-Champion
SB 963-Shields
SB 973-Stoll
SB 983-Quick
SB 987-Quick
SB 992-Cauthorn
SB 1001-Wheeler
SB 1002-Bray
SB 1004-Shields
SB 1005-Shields and Stoll
SB 1006-Goode, et al
SB 1007-Goode, et al
SB 1008-Goode
SB 1009-Griesheimer
SB 1010-Dougherty, et al
SB 1011-Dougherty
SB 1012-Caskey
SB 1013-Stoll
SB 1014-Yeckel
SB 1015-Kennedy
SB 1016-Champion, et al
SB 1017-Champion
SB 1018-Champion
SB 1019-Steelman
SB 1020-Steelman and Kinder
SB 1021-Steelman
SB 1022-Gross
SB 1023-Griesheimer
SB 1024-Stoll
SB 1025-Griesheimer and Steelman
SB 1026-Mathewson
SB 1027-Cauthorn, et al
SB 1028-Cauthorn
SB 1029-Bray, et al
SB 1030-Bray, et al
SB 1031-Bray, et al
SB 1032-Bray
SB 1033-Clemens, et al
SB 1034-Childers
SB 1035-Steelman and Mathewson
SB 1036-Steelman
SB 1037-Steelman
SB 1038-Yeckel
SB 1039-Yeckel
SB 1040-Griesheimer
SB 1041-Griesheimer
SB 1042-Griesheimer
SB 1043-Gross
SB 1044-Shields
SB 1045-Kinder, et al
SB 1046-Gibbons
SB 1047-Kennedy
SB 1048-Nodler, et al
SB 1049-Bray
SB 1050-Bray
SB 1051-Steelman
SB 1052-Jacob

SB 1053-Shields	SB 1075-Coleman
SB 1054-Bartle and Wheeler	SB 1076-Caskey
SB 1055-Bartle and Wheeler	SB 1077-Loudon
SB 1056-Bartle	SB 1078-Loudon
SB 1057-Bartle	SB 1079-Callahan and Yeckel
SB 1058-Bartle	SB 1080-Nodler, et al
SB 1059-Bartle and Champion	SB 1081-Kinder, et al
SB 1060-Bartle	SB 1082-Childers, et al
SB 1061-Callahan	SB 1083-Kennedy and Dougherty
SB 1062-Griesheimer	SB 1084-Foster
SB 1063-Scott	SB 1085-Foster, et al
SB 1064-Scott and Clemens	SB 1086-Cauthorn
SB 1065-Steelman and Gross	SB 1087-Days, et al
SB 1066-Steelman	SB 1088-Steelman
SB 1067-Bland	SB 1089-Steelman
SB 1068-Gross and Stoll	SB 1090-Jacob
SB 1069-Gross and Griesheimer	SB 1091-Klindt
SB 1070-Gross and Goode	SB 1092-Bartle
SB 1071-Bartle, et al	SB 1093-Gibbons and Yeckel
SB 1072-Dougherty, et al	SB 1094-Scott, et al
SB 1073-Dougherty and Foster	SJR 42-Coleman
SB 1074-Coleman	

Journal

HOUSE BILLS ON SECOND READING

HB 916-Brown, et al

SENATE BILLS FOR PERFECTION

SB 1003-Gibbons, et al, with SCS