

Journal of the Senate

SECOND REGULAR SESSION

NINTH DAY—THURSDAY, JANUARY 22, 2004

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“And all of you must clothe yourselves with humility in dealing with one another, for ‘God opposes the proud, but gives grace to the humble.’” (I Peter 5:5)

Merciful God, as we conclude this day’s work and return to those we love, watch over our travels and help us remember in humility the gift You have given us in those we share this life and let us share the joy of Your Word bowing before it 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.

Photographers from the Associated Press 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 Dolan
Dougherty Foster Gibbons Goode
Griesheimer Gross Jacob Kennedy
Kinder Klindt Loudon Mathewson
Nodler Quick Russell Scott
Shields Steelman Stoll Vogel
Yeckel—33

Absent with leave—Senator Wheeler—1

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 1171, regarding Laurel Young, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1172, regarding Robert A. Karsznia, St. Louis, which was adopted.

CONCURRENT RESOLUTIONS

Senator Gibbons moved that **SCR 30** be taken up for adoption, which motion prevailed.

On motion of Senator Gibbons, **SCR 30** was adopted by the following vote:

YEAS—Senators
Bartle Bray Callahan Caskey
Cauthorn Champion Childers Clemens
Days Dolan Dougherty Foster
Gibbons Goode Griesheimer Gross

Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Yeckel—31	

NAYS—Senators—None

Absent—Senators

Bland Coleman—2

Absent with leave—Senator Wheeler—1

INTRODUCTION OF BILLS

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

SB 1124—By Goode and Steelman.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to recovery of costs by electrical corporations, with an effective date.

SB 1125—By Goode.

An Act to repeal sections 386.370, 386.390, and 393.190, RSMo, and to enact in lieu thereof four new sections relating to consumer protection.

SB 1126—By Russell.

An Act to repeal sections 285.300, 288.050, and 288.270, RSMo, and to enact in lieu thereof five new sections relating to employment, with penalty provisions.

SB 1127—By Cauthorn.

An Act to amend chapter 335, RSMo, by adding thereto one new section relating to the nurse licensure compact.

SB 1128—By Cauthorn.

An Act to repeal sections 640.700, 640.703, 640.710, 640.715, 640.725, 640.730, 640.735, 640.745, 640.750, and 644.016, RSMo, and to enact in lieu thereof nine new sections relating to concentrated animal feeding operations.

SB 1129—By Bray.

An Act to amend chapter 407, RSMo, by

adding thereto two new sections relating to the consumer's right to know, with penalty provisions.

SB 1130—By Scott.

An Act to repeal section 251.440, RSMo, and to enact in lieu thereof two new sections relating to regional planning commissions.

SB 1131—By Steelman.

An Act to repeal section 386.390, RSMo, and to enact in lieu thereof one new section relating to consumer protection.

SB 1132—By Steelman, Scott, Griesheimer, Mathewson, Childers, Kinder and Nodler.

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to the predetermination of prudence and ratemaking principles for infrastructure investments by electric, gas, and water utilities.

SB 1133—By Foster, Coleman, Dougherty and Kennedy.

An Act to repeal section 168.221, RSMo, and to enact in lieu thereof one new section relating to school principals.

SB 1134—By Foster, Coleman, Dougherty and Kennedy.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the creation of the Missouri junior/senior cadets program.

SB 1135—By Foster, Coleman, Dougherty and Kennedy.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to bullying in public schools.

SB 1136—By Vogel.

An Act to revise the governor's authority to convey certain property in Cole County which is part of the correctional facility know as the Church Farm, as enacted by house bill no. 1186, ninetieth general assembly, second regular session.

SB 1137—By Vogel.

An Act to repeal section 50.333, RSMo, and to enact in lieu thereof one new section relating to the salary commission.

SB 1138—By Bartle.

An Act to repeal sections 211.141, 211.327, 429.032, 429.080, 429.090, 429.120, 429.160, 429.270, 429.460, 429.470, 429.490, 429.540, 452.340, 452.554, 478.725, 488.031, 488.429, 488.445, 488.4014, 488.5320, 491.300, and 595.045, RSMo, and to enact in lieu thereof twenty-three new sections relating to court procedures, with penalty provisions.

SB 1139—By Mathewson.

An Act to repeal section 41.150, RSMo, and to enact in lieu thereof one new section relating to the adjutant general.

SB 1140—By Mathewson.

An Act to repeal section 165.011, RSMo, and to enact in lieu thereof one new section relating to the Pettis County school fund.

SB 1141—By Loudon.

An Act to repeal sections 245.015, 245.060, 245.095, and 246.305, RSMo, and to enact in lieu thereof four new sections relating to levee districts.

THIRD READING OF SENATE BILLS

SCS for **SB 1003**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1003

An Act to repeal sections 208.152, 208.204, and 630.210, RSMo, and to enact in lieu thereof four new sections relating to the children's mental health reform act.

Was taken up by Senator Gibbons.

On motion of Senator Gibbons, **SCS** for **SB 1003** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
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
Yeckel—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Wheeler—1

The President declared the bill passed.

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

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

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

President Pro Tem Kinder assumed the Chair.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 739**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 732**, begs leave to report that it has considered the same and recommends that the bill do pass.

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 were referred **SB 714** and **SB 761**, 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 1000**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Nodler assumed the Chair.

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:

Karen K. Hall, as a member of the Missouri Seed Capital Investment Board;

Also,

Steven C. Zweig, M.D., as a member of the Commission for the Missouri Senior Rx Program;

Also,

Joseph Gulino, Ph.D., as a member of the Board of Geologist Registration;

Also,

Kelvin L. Simmons, as Director of the Department of Economic Development;

Also,

Guy C. Gilbert, as a member of the Board of Geologist Registration;

Also,

Anne Elisa Ross, as a member of the Minority and Underrepresented Environmental Literacy Program;

Also,

Patrick Dougherty, Na'im B. Gray and Kay Lynne Myers, as members of the Children's Trust Fund Board;

Also,

Lillian D. Eunice, Lisa G. Conrad and James M. Caccamo, Ph.D., as members of the State Board of Senior Services;

Also,

Teresa L. Hensley, Carol Shelley, Derek E. Conard, Michelle Y. Cebulko, Marjorie K. Carter, Barbara B. Smith and Sheila S. Dullum, as members of the Child Abuse and Neglect Review Board;

Also,

Richard D. Easley and Londell Jamerson, II, as members of the Peace Officer Standards and Training Commission;

Also,

Kenneth R. Shuler, as a member of the Board of Directors for the American National Fish and Wildlife Museum District;

Also,

John W. Siscel, III, as a member of the Health and Educational Facilities Authority of the State of Missouri;

Also,

Pamela L. Marshall, as a member of the State Board of Pharmacy;

Also,

John Nicholas Constantino, M.D., as a member of the Mental Health Commission;

Also,

Nancy D. Anderson Tayborn, as a member of the Missouri Minority Business Advocacy Commission;

Also,

Shawn J. Gebhardt, as a student representative to the University of Missouri Board of Curators;

Also,

Jeffrey A. Dierking, as student representative to the Linn State Technical College Board of Regents;

Also,

Lowell Mohler, as a member of the Conservation Commission;

Also,

Cynthia R. Ballentine and David J. Lackey, as members of the Missouri Board of Occupational Therapy;

Also,

Anitra L. Nevels, as a member of the Advisory Commission for Registered Physician Assistants;

Also,

John M. Boyer, Richard H. Frueh, Jeffrey D. Cawfield, Ph.D. and Zoretta V. Schoonover, as members of the Dam and Reservoir Safety Council;

Also,

Cheri Leigh, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects;

Also,

John Adams, as a member of the Missouri State Committee of Interpreters;

Also,

James R. Asahl, Roger D. Young and Roger D. Porter, as members of the Advisory Committee for 911 Service Oversight;

Also,

Victoria A. Horst, as a member of the Advisory Commission for Professional Physical Therapists;

Also,

John L. Tirre, as a member of the State Board of Cosmetology;

Also,

Melinda Christianson, as a member of the Advisory Council for Professional Physical Therapists.

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.

RE-REFERRALS

President Pro Tem Kinder re-referred **SB 1028** to the Committee on Governmental Accountability and Fiscal Oversight.

REFERRALS

President Pro Tem Kinder referred **SCR 29** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

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 **HCR 5**.

HOUSE CONCURRENT RESOLUTION NO. 5

An Act by concurrent resolution and pursuant to Article IV, Section 8, to disapprove the final order of rulemaking for the proposed amendment to 1 CSR 10-4.010 relating to State of Missouri Vendor Payroll Deductions, with an emergency clause.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Whereas, the Office of Administration filed proposed amendment for 1 CSR 10-4.010 on August 15, 2003, and filed the order of rulemaking with the Joint Committee on Administrative Rules on November 14, 2003; and

Whereas, the Joint Committee on Administrative Rules held a hearing on December 8, 2003, and has found the rule lacking in compliance with the provisions of Chapter 536, RSMo, in that the rule either lacked statutory authority in violation of section 536.014, RSMo, or had an inaccurate fiscal note regarding costs to private persons in violation of section 536.205, RSMo;

Now, therefore, be it resolved the General Assembly finds that the office of administration has violated the provisions of Chapter 536, RSMo, when it failed to comply with the provisions of section 536.014, RSMo, or 536.205, RSMo; and

Be it further resolved that the Ninety-second General Assembly, upon concurrence of a majority of the members of the Senate and a majority of the members of the House of Representatives, hereby permanently disapproves and suspends the final order of rulemaking for the proposed amendment to 1 CSR 10-4.010, State of Missouri Vendor Payroll Deductions; and

Be it further resolved that a copy of the foregoing be submitted to the Secretary of State so that the Secretary of State may publish in the Missouri Register, as soon as practicable, notice of the disapproval of the final order of rulemaking for the proposed amendment to 1 CSR 10-4.010, upon this resolution having been signed by the Governor or having been approved by two-thirds of each house of the Ninety-second General Assembly, Second Regular Session, after veto by the Governor as provided in Article III, Sections 31 and 32, and Article IV, Section 8 of the Missouri Constitution; and

Be it further resolved that a properly inscribed copy be presented to the Governor in accordance with Article IV, Section 8 of the Missouri Constitution.

Emergency clause defeated.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

INTRODUCTION OF BILLS

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

SB 1142—By Dolan.

An Act to amend chapter 194, RSMo, by adding thereto six new sections relating to disposition of fetal remains act, with penalty provisions.

SB 1143—By Dolan.

An Act to amend chapter 570, RSMo, by adding thereto four new sections relating to motor vehicle theft, with penalty provisions.

SB 1144—By Dolan.

An Act to repeal sections 301.141, 301.142, and 301.143, RSMo, and to enact in lieu thereof four new sections relating to disabled license plates, with penalty provisions and an effective date.

SJR 44—By Dolan.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30 (b) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the department of transportation.

RESOLUTIONS

Senator Vogel offered Senate Resolution No. 1173, regarding the One Hundredth Birthday of Ada Lillian Ekstam-Engelbrecht, Eugene, which was adopted.

Senator Vogel offered Senate Resolution No. 1174, regarding Edward M. “Ted” Sheehan, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 1175, regarding Andrew Taylor Kaiser, Jefferson

City, which was adopted.

Senator Vogel offered Senate Resolution No. 1176, regarding Benjamin Lewis Montgomery, IV, Fulton, which was adopted.

INTRODUCTIONS OF GUESTS

On behalf of Senators Stoll, Kinder and himself, Senator Griesheimer introduced to the Senate, Robert G. (Bob) Wilkins, Hillsboro; Mike Wright, Warrenton; Bob McCullough and Joe Duecker, St. Louis County; and Bob Wilkins, Jefferson County.

Senator Dolan introduced to the Senate, Michael Mayer, Florissant; and Matthew Drake, Sikeston.

Senator Kinder introduced to the Senate, Dr. Floyd Jones, Jr., Kennett; Dr. Calvin C. Lee, Chesterfield; Dr. Robert Simon, Clayton; Dr. Bob D. Swartz, Paris; and Dr. John E. Dietrich, Kansas City.

Senator Kinder introduced to the Senate, Dr. John L. Sheets, D.D.S., Cape Girardeau; and Dr. Jeffrey Dalin, Dr. Ray Storm and Ms. Jan Storm.

Senator Jacob introduced to the Senate, Larry Jackson, D.D.S. and Fred Christman, D.D.S., Columbia.

On motion of Senator Gibbons, the Senate adjourned until 4:00 p.m., Monday, January 26, 2004.

Unofficial

SENATE CALENDAR

TENTH DAY—MONDAY, JANUARY 26, 2004

Journal

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 716-Childers
 SB 753-Coleman
 SB 787-Childers
 SB 844-Yeckel
 SB 857-Klindt
 SB 877-Goode and Days
 SB 927-Loudon
 SB 929-Wheeler
 SB 943-Goode and Gross
 SB 953-Caskey
 SB 959-Childers
 SB 961-Champion
 SB 983-Quick
 SB 992-Cauthorn

SB 1001-Wheeler
 SB 1010-Dougherty, et al
 SB 1012-Caskey
 SB 1013-Stoll
 SB 1019-Steelman
 SB 1021-Steelman
 SB 1022-Gross
 SB 1024-Stoll
 SB 1026-Mathewson
 SB 1027-Cauthorn, et al
 SB 1030-Bray, et al
 SB 1031-Bray, et al
 SB 1033-Clemens, et al
 SB 1034-Childers

SB 1035-Steelman and Mathewson	SB 1096-Caskey
SB 1036-Steelman	SB 1097-Clemens
SB 1041-Griesheimer	SB 1098-Clemens
SB 1042-Griesheimer	SB 1099-Gibbons, et al
SB 1044-Shields	SB 1100-Gibbons and Gross
SB 1045-Kinder, et al	SB 1101-Steelman, et al
SB 1047-Kennedy	SB 1102-Steelman and Jacob
SB 1048-Nodler, et al	SB 1103-Steelman
SB 1049-Bray	SB 1104-Steelman
SB 1050-Bray	SB 1105-Shields
SB 1055-Bartle, et al	SB 1106-Shields
SB 1057-Bartle	SB 1107-Shields
SB 1059-Bartle and Champion	SRB 1108-Bartle
SB 1060-Bartle	SB 1109-Coleman
SB 1061-Callahan	SB 1110-Coleman
SB 1062-Griesheimer	SB 1111-Klindt
SB 1063-Scott	SB 1112-Clemens
SB 1064-Scott and Clemens	SB 1113-Loudon
SB 1066-Steelman	SB 1114-Loudon
SB 1070-Gross and Goode	SB 1115-Loudon
SB 1071-Bartle, et al	SB 1116-Stoll
SB 1072-Dougherty, et al	SB 1117-Stoll
SB 1073-Dougherty and Foster	SB 1118-Cauthorn
SB 1074-Coleman	SB 1119-Cauthorn
SB 1075-Coleman	SB 1120-Cauthorn
SB 1076-Caskey	SB 1121-Cauthorn
SB 1077-Loudon	SB 1122-Shields
SB 1078-Loudon	SB 1123-Gibbons, et al
SB 1079-Callahan and Yeckel	SB 1124-Goode and Steelman
SB 1081-Kinder, et al	SB 1125-Goode
SB 1082-Childers, et al	SB 1126-Russell
SB 1083-Kennedy and Dougherty	SB 1127-Cauthorn
SB 1085-Foster, et al	SB 1128-Cauthorn
SB 1086-Cauthorn	SB 1129-Bray
SB 1087-Days, et al	SB 1130-Scott
SB 1088-Steelman	SB 1131-Steelman
SB 1091-Klindt	SB 1132-Steelman, et al
SB 1092-Bartle	SB 1133-Foster, et al
SB 1093-Gibbons and Yeckel	SB 1134-Foster, et al
SB 1095-Goode, et al	SB 1135-Foster, et al

SB 1136-Vogel
SB 1137-Vogel
SB 1138-Bartle
SB 1139-Mathewson
SB 1140-Mathewson
SB 1141-Loudon

SB 1142-Dolan
SB 1143-Dolan
SB 1144-Dolan
SJR 42-Coleman
SJR 43-Klindt
SJR 44-Dolan

HOUSE BILLS ON SECOND READING

HB 916-Brown, et al

SENATE BILLS FOR PERFECTION

SB 739-Klindt
SB 732-Gross

SBS 714 & 761-Kinder, et al, with SCS
SB 1000-Bartle

RESOLUTIONS

To be Referred

HCR 5-Byrd, et al

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