

Journal of the Senate

SECOND REGULAR SESSION

SIXTEENTH DAY—WEDNESDAY, FEBRUARY 4, 2004

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

“Rejoice in your hope, be patient in tribulation, be constant in prayer. Contribute to the needs of the saints, practice hospitality.”
(Romans 12:12-13)

Heavenly Father, we began this day in prayer and recognize that the hope that You give us will not disappoint us. Remind us daily of Your expectations, to us whom much has been given, to do what You require of us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from the Associated Press and The Chart, MSSU, Joplin 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
Wheeler	Yeckel—34		

Absent with leave—Senators—None

Senator Shields assumed the Chair.

RESOLUTIONS

Senator Childers offered Senate Resolution No. 1246, regarding Chief George Stevens and the Hollister Police Department, Hollister, which was adopted.

Senator Coleman offered Senate Resolution No. 1247, regarding to the death of Benjamin Lionel Goins, Sr., which was adopted.

Senator Dougherty offered Senate Resolution No. 1248, regarding Michael Morgan, St. Louis, which was adopted.

Senator Jacob offered Senate Resolution No. 1249, regarding Bekim Canhasi, Columbia, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1250, regarding Ron Loesch, Mexico, which was adopted.

Senator Yeckel offered Senate Resolution No. 1251, regarding the Fortieth Wedding Anniversary

of Mr. and Mrs. Irvin Etzold, St. Louis, which was adopted.

Senator Scott offered Senate Resolution No. 1252, regarding Eldonna DeWeese, Bolivar, which was adopted.

Senator Steelman moved that **SR 1118** be taken up for adoption, which motion prevailed.

Senator Bartle assumed the Chair.

Senator Gross assumed the Chair.

Senator Bartle assumed the Chair.

Senator Steelman offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Resolution No. 1118, appearing on Page 108 of the Senate Journal for Wednesday, January 14, 2004, Column 2, Line 21, of said column, by striking the word “commits to” and inserting in lieu thereof the following: “**recommends that the Missouri Attorney General promptly**”; and further amend line 24 of said column, by inserting immediately after the word “rule” the following: “**on behalf of the state**”.

Senator Steelman moved that the above amendment be adopted, which motion prevailed.

Senate Steelman moved that **SR 1118**, as amended, be adopted, which motion prevailed.

CONCURRENT RESOLUTIONS

Senator Gross moved that **SCR 23** be taken up for adoption, which motion prevailed.

Senator Nodler assumed the Chair.

On motion of Senator Gross, **SCR 23** was adopted by the following vote:

YEAS—Senators

Bartle	Bland	Bray	Callahan
Caskey	Cauthorn	Champion	Childers
Clemens	Coleman	Days	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Russell
Scott	Shields	Stelman	Stoll

Vogel Wheeler Yeckel—31

NAYS—Senators—None

Absent—Senators

Dolan Quick—2

Absent with leave—Senator Griesheimer—1

INTRODUCTION OF BILLS

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

SB 1203—By Klindt.

An Act to repeal section 196.1003, RSMo, and to enact in lieu thereof one new section relating to the release of escrow funds of non-participating tobacco manufacturers.

SB 1204—By Cauthorn and Loudon.

An Act to repeal section 290.305, RSMo, and to enact in lieu thereof one new section relating to the prevailing wage on public works.

SB 1205—By Cauthorn.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to minimum pay for certain corrections employees, with an effective date.

SB 1206—By Stoll.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to employment history for health care, child care, and elder care providers.

SB 1207—By Stoll.

An Act to repeal sections 324.400, 324.403, 324.409, 324.415, 324.418, 324.421, 324.427, 324.430, and 324.433, and to enact in lieu thereof nine new sections relating to interior designers.

SB 1208—By Stoll.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to effective involvement by parents and families in support of

their children's education.

SB 1209—By Bland, Coleman and Bray.

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof one new section relating to pension deductions, with an effective date.

SB 1210—By Bray, Days, Steelman, Yeckel, Champion, Bland and Coleman.

An Act to amend chapter 556, RSMo, by adding thereto seven new sections relating to human trafficking, with penalty provisions.

SB 1211—By Wheeler.

An Act to repeal section 535.030, RSMo, and to enact in lieu thereof one new section relating to the service of summons in landlord/tenant actions.

SB 1212—By Wheeler.

An Act to authorize the governor to convey property owned by the state to the Truman Medical Center.

SB 1213—By Steelman and Gross.

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to tobacco product manufacturers, with penalty provisions.

SB 1214—By Griesheimer.

An Act to repeal section 610.021, RSMo, and to enact in lieu thereof one new section relating to records exempt from public disclosure, with a termination date and an emergency clause.

SB 1215—By Griesheimer.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to subrogation rights of public entities.

SB 1216—By Kennedy.

An Act to repeal section 104.040, RSMo, and to enact in lieu thereof one new section relating to retirement of members of the department of transportation.

SB 1217—By Bartle.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to special education services in school districts located at least partially in Jackson County.

SB 1218—By Quick.

An Act to repeal section 335.076, RSMo, and to enact in lieu thereof one new section relating to advanced practice nurses.

SB 1219—By Shields.

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

SB 1220—By Caskey.

An Act to repeal sections 50.334, 50.343, 51.281, 52.269, 53.082, 54.261, 54.320, and 58.095, RSMo, and to enact in lieu thereof eight new sections relating to maximum allowable compensation for certain county officials.

SENATE BILLS FOR PERFECTION

Senator Bartle moved that **SB 1000** be taken up for perfection, which motion prevailed.

Senator Bartle offered **SS** for **SB 1000**, entitled:

SENATE SUBSTITUTE FOR SENATE BILL NO. 1000

An Act to repeal sections 650.050, 650.052, 650.055, and 650.100, RSMo, and to enact in lieu thereof five new sections relating to a DNA profiling system, with penalty provisions and an effective date for certain sections.

Senator Bartle moved that **SS** for **SB 1000** be adopted.

Senator Bartle offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Bill No. 1000, Page 2, Section 488.5400, Line 17, by striking "Moneys from this fund"; and

Further amend line 18, by striking "shall be

the only source of revenue” and insert in lieu thereof the following: **“No moneys from the state general revenue fund shall be”**”.

Senator Bartle moved that the above amendment be adopted, which motion prevailed.

Senator Quick offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Bill No. 1000, Page 9, Section 650.055, Line 25, by inserting at the end of said line the following: **“Within thirty days after the receipt of the court order, the Missouri state highway patrol shall notify the individual that it has expunged his or her DNA sample and DNA profile, or the basis for its determination that the person is otherwise obligated to submit a DNA sample.”**”.

Senator Quick moved that the above amendment be adopted, which motion prevailed.

At the request of Senator Bartle, **SB 1000**, with **SS**, as amended (pending), was placed on the Informal Calendar.

CONCURRENT RESOLUTIONS

Senators Russell, Childers, Quick, Dougherty, Coleman, Kinder, Caskey, Gibbons, Gross, Mathewson, Steelman, Foster, Stoll, Bland and Goode offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 35

Relating to the renaming of a building at the Southeast Missouri Mental Health Center.

WHEREAS, the Southeast Missouri Mental Health Center is located near Farmington, Missouri; and

WHEREAS, the Center Building of the Southeast Missouri Mental Health Center has a bed capacity of one hundred eighty-six beds, plus forty beds in five adjacent group homes; and

WHEREAS, Southeast Missouri Mental Health Center maintains an Acute and Intermediate Care Unit and a Forensic Services Unit to provide a client environment that includes interdisciplinary treatment in the areas of psychiatry, psychiatric nursing, patient and family education, work therapy, a group home program, an interactive computer system, a fitness center and other services; and

WHEREAS, Danny Staples was a member of the House of Representatives for six years and a state Senator for twenty years representing the citizens of his district; and

WHEREAS, former Senator Danny Staples was a leader and instrumental in furthering the development of the Southeast Missouri Mental Health Center which provides treatment and care in the state of Missouri; and

WHEREAS, because of Senator Staples' efforts, the Southeast Missouri Mental Health Center is the modern treatment center that it is today; and

WHEREAS, Senator Staples deserves permanent recognition of his work on behalf of mental health treatment and care in the state of Missouri:

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 designate that the Center Building at the Southeast Missouri Mental Health Center at Farmington in St. Genevieve County shall hereinafter be known as the "Danny Staples Building"; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor for his approval or rejection pursuant to the Missouri Constitution, and if approved, notify the Director of the Missouri Department of Mental Health.

Read 1st time.

Senators Gibbons and Dougherty offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 36

WHEREAS, research indicates that youth who drink before age 15 are four times more likely to develop alcohol dependence than those who begin drinking at age 21; and

WHEREAS, research indicates the median age at which children begin drinking in Missouri is 12.7 years old; and

WHEREAS, research indicates the highest prevalence of both binge and heavy drinking in recent years was for young adults aged 18 to 25, with the peak rate occurring at age 21; and

WHEREAS, research indicates teenagers and their parents are not well informed about alcohol's effects; and

WHEREAS, research indicates underage drinking is strongly correlated with sexual violence, automobile crashes, truancy, academic failure, dysfunctional family relationships, subsequent use of controlled substances, suicide, and other adverse consequences which take a heavy toll on our society:

NOW, THEREFORE, BE IT RESOLVED by members of the Missouri Senate, Ninety-second General Assembly, Second Regular Session, the House of Representatives concurring therein,

hereby create a Joint Interim Committee on Underage Drinking; and

BE IT FURTHER RESOLVED that the joint interim committee shall study the current public and private efforts to combat underage drinking, evaluate their effectiveness, and make recommendations to the General Assembly on actions needed to attack successfully this great danger to our children; and

BE IT FURTHER RESOLVED that the joint interim committee be authorized to call upon any department, office, division, or agency of this state to assist in gathering information pursuant to its objective; and

BE IT FURTHER RESOLVED that the joint interim committee herein established shall consist of sixteen members, of which four shall be members of the Senate appointed by the President Pro Tem of the Senate, of which at least two shall be members of the minority party; four shall be members of the House of Representatives, of which two shall be appointed by the Speaker of the House of Representatives and two of which shall be members of the minority party appointed by the Minority Floor Leader, with approval of the Speaker of the House of Representatives; two shall be representatives of the medical community who specialize in alcohol abuse and prevention, one which shall be appointed by the President Pro Tem of the Senate and one which shall be appointed by the Speaker of the House; two shall be representatives of the law enforcement community who work with schools in the prevention of alcohol abuse, one which shall be appointed by the President Pro Tem of the Senate and one which shall be appointed by the Speaker of the House; two community advocates, one which shall be appointed by the President Pro Tem of the Senate and one which shall be appointed by the Speaker of the House; and two high school students between the ages of 16 and 18 years, one which shall be appointed by the President Pro Tem of the Senate and one which shall be appointed by the Speaker of the House; and

BE IT FURTHER RESOLVED the President Pro Tem of the Senate and the Speaker of the House of Representatives shall collaborate to ensure that the membership of the joint interim committee reflects adequate minority and gender representation; and

BE IT FURTHER RESOLVED that the staffs of House Research, Senate Research, and the Committee on Legislative Research shall provide such legal, research, clerical, technical, and bill drafting services as the committee may require in the performance of its duties; and

BE IT FURTHER RESOLVED that the committee, its members, and any staff personnel assigned to the committee shall receive reimbursement for their actual and necessary expenses incurred in attending meetings of the committee or any subcommittee thereof; and

BE IT FURTHER RESOLVED that the members of the joint

interim committee shall be appointed by June 1, 2004; and

BE IT FURTHER RESOLVED that the joint interim committee shall expire on December 31, 2004, and on that same date deliver a report of findings and recommendations to the General Assembly; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the President Pro Tem of the Senate and the Speaker of the House of Representatives.

INTRODUCTION OF BILLS

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

SB 1221—By Kinder.

An Act to amend chapter 360, RSMo, by adding thereto two new sections relating to the University of Missouri system.

SB 1222—By Dougherty, Kennedy, Days, Bray, Bland, Wheeler, Coleman and Jacob.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to state employees' pay, with an effective date.

SB 1223—By Dougherty and Kennedy.

An Act to repeal section 453.025, RSMo, and to enact in lieu thereof one new section relating to guardian ad litem fees.

SB 1224—By Dougherty.

An Act to repeal sections 167.020 and 431.056, RSMo, and to enact in lieu thereof two new sections relating to homeless youth.

SB 1225—By Dougherty, Coleman and Kennedy.

An Act to repeal section 84.160, RSMo, and to enact in lieu thereof one new section relating to maximum amounts of compensation for police officers.

SB 1226—By Callahan.

An Act to amend chapter 115, RSMo, by adding thereto one new section relating to convicted criminals seeking or holding public

office.

SECOND READING OF SENATE BILLS

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

- SB 1101**—Education.
- SB 1102**—Ways and Means.
- SB 1103**—Commerce and the Environment.
- SB 1104**—Economic Development, Tourism and Local Government.
- SB 1106**—Economic Development, Tourism and Local Government.
- SB 1107**—Economic Development, Tourism and Local Government.
- SRB 1108**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1109**—Education.
- SB 1111**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1112**—Education.
- SB 1113**—Financial and Governmental Organization, Veterans' Affairs and Elections.
- SB 1115**—Transportation.
- SB 1116**—Commerce and the Environment.
- SB 1117**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1118**—Agriculture, Conservation, Parks and Natural Resources.
- SB 1120**—Commerce and the Environment.
- SB 1124**—Commerce and the Environment.
- SB 1125**—Commerce and the Environment.
- SB 1126**—Small Business, Insurance and Industrial Relations.
- SB 1130**—Pensions and General Laws.
- SB 1131**—Commerce and the Environment.
- SB 1132**—Commerce and the Environment.
- SB 1133**—Education.
- SB 1135**—Education.
- SB 1136**—Economic Development, Tourism and Local Government.
- SB 1138**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1140**—Education.
- SB 1146**—Transportation.
- SB 1147**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1148**—Aging, Families, Mental and Public Health.
- SB 1150**—Ways and Means.
- SB 1155**—Commerce and the Environment.
- SB 1158**—Aging, Families, Mental and Public Health.
- SB 1159**—Aging, Families, Mental and Public Health.
- SB 1160**—Aging, Families, Mental and Public Health.
- SB 1164**—Ways and Means.
- SB 1165**—Ways and Means.
- SB 1166**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1167**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1172**—Financial and Governmental Organization, Veterans' Affairs and Elections.
- SB 1173**—Small Business, Insurance and Industrial Relations.
- SB 1175**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1176**—Economic Development, Tourism and Local Government.
- SB 1177**—Commerce and the Environment.

SB 1178—Agriculture, Conservation, Parks and Natural Resources.

SB 1186—Commerce and the Environment.

SJR 45—Judiciary and Civil and Criminal Jurisprudence.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City, Missouri
February 3, 2004

TO THE SENATE OF THE 92nd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment to office:

Ralph G. Biele, Republican, 826 Dean Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Gaming Commission, for a term ending July 1, 2006, and until his successor is duly appointed and qualified; vice, Robert Smith, resigned.

Respectfully submitted,
BOB HOLDEN
Governor

President Pro Tem Kinder referred the above appointment to the Committee on Gubernatorial Appointments.

RESOLUTIONS

Senator Kinder offered Senate Resolution No. 1253, regarding Danny Vinyard, Scott City, which was adopted.

Senator Kinder offered Senate Resolution No. 1254, regarding Michelle Vinyard, Scott City, which was adopted.

Senator Kinder offered Senate Resolution No. 1255, regarding Jason Eftink, Scott City, which was adopted.

Senator Kinder offered Senate Resolution No.

1256, regarding Shawn Eftink, Scott City, which was adopted.

Senator Loudon offered Senate Resolution No. 1257, regarding James Joyce, Chesterfield, which was adopted.

Senator Loudon offered Senate Resolution No. 1258, regarding Andrea Johnson, Chesterfield, which was adopted.

Senator Loudon offered Senate Resolution No. 1259, regarding Suzanne Joyce, Chesterfield, which was adopted.

Senator Dolan offered Senate Resolution No. 1260, regarding Dave Phillips, St. Charles, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Scott introduced to the Senate, Marsha Boeschen, Sedalia.

Senator Childers introduced to the Senate, Ross Summers, Branson.

Senator Kinder introduced to the Senate, Jaynee, Dennis and Tori Browning, Frank and Martha Bertrand, Melinda Sanders and Susan Pritchard-Green, Cape Girardeau.

Senator Kinder introduced to the Senate, Mr. and Mrs. Ned Matthews, Sikeston.

Senator Kinder introduced to the Senate, Jon Rust, Cape Girardeau.

On behalf of Senator Wheeler and herself, Senator Bland introduced to the Senate, William Carson and former Mayor Richard L. Berkley, Kansas City.

Senator Gibbons introduced to the Senate, Thomas Duckworth, Webster Groves.

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

SENATE CALENDAR

SEVENTEENTH DAY—THURSDAY, FEBRUARY 5, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 716-Childers	SB 1179-Steelman
SB 787-Childers	SB 1180-Shields and Kinder
SB 844-Yeckel	SB 1181-Yeckel
SB 877-Goode and Days	SB 1182-Dolan
SB 1105-Shields	SB 1183-Dolan
SB 1114-Loudon	SB 1184-Griesheimer, et al
SB 1119-Cauthorn	SB 1185-Gross
SB 1121-Cauthorn	SB 1187-Wheeler
SB 1127-Cauthorn	SB 1188-Loudon
SB 1134-Foster, et al	SB 1189-Scott
SB 1137-Vogel	SB 1190-Caskey
SB 1139-Mathewson	SB 1191-Steelman
SB 1141-Loudon	SB 1192-Steelman
SB 1142-Dolan	SB 1193-Steelman
SB 1143-Dolan	SB 1194-Vogel
SB 1145-Kennedy	SB 1195-Klindt
SB 1149-Dougherty	SB 1196-Klindt
SB 1152-Steelman	SB 1197-Quick
SB 1153-Cauthorn	SB 1198-Russell
SB 1154-Cauthorn and Wheeler	SB 1199-Kennedy
SB 1156-Caskey	SB 1200-Griesheimer
SB 1157-Scott	SB 1201-Cauthorn
SB 1161-Jacob	SB 1202-Gibbons, et al
SB 1162-Jacob	SB 1203-Klindt
SB 1163-Jacob	SB 1204-Cauthorn and Loudon
SB 1168-Jacob	SB 1205-Cauthorn
SB 1169-Jacob	SB 1206-Stoll
SB 1170-Shields	SB 1207-Stoll
SB 1174-Caskey	SB 1208-Stoll

SB 1209-Bland, et al
SB 1210-Bray, et al
SB 1211-Wheeler
SB 1212-Wheeler
SB 1213-Steelman and Gross
SB 1214-Griesheimer
SB 1215-Griesheimer
SB 1216-Kennedy
SB 1217-Bartle
SB 1218-Quick

SB 1219-Shields
SB 1220-Caskey
SB 1221-Kinder
SB 1222-Dougherty, et al
SB 1223-Dougherty and Kennedy
SB 1224-Dougherty
SB 1225-Dougherty, et al
SB 1226-Callahan
SJR 43-Klindt

HOUSE BILLS ON SECOND READING

HB 969-Cooper, et al

Unofficial

THIRD READING OF SENATE BILLS

SB 739-Klindt

SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey,
with SCS
SB 990-Loudon, with SCS

SB 730-Gross and Champion,
with SCS

SBs 1144, 919 & 874-Dolan, et al, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 732-Gross

SB 1000-Bartle, with SS
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 758-Griesheimer, with SCS

SB 769-Nodler

SB 782-Caskey, with SCS
SB 789-Childers, with SCS
SBs 942, 850 & 841-Nodler,
with SCS
SB 762-Champion, with SCS
SB 955-Scott, with SCS

SB 770-Nodler
SB 1006-Goode, et al, with SCS
SB 767-Clemens, with SCS
SB 932-Loudon
SB 980-Bartle, with SCS
SB 1028-Cauthorn

RESOLUTIONS

To be Referred

SCR 35-Russell, et al

SCR 36-Gibbons and Dougherty

Unofficial

Reported from Committee

SCR 24-Cauthorn, et al
SCR 25-Stoll, et al

SCR 26-Childers and Russell
HCR 5-Byrd, et al
(Russell)

Journal

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