

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-THIRD DAY—TUESDAY, FEBRUARY 17, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

“Happy are those who make the Lord their trust.” (Psalm 40:4)

Gracious God, let us put our trust in You and guide our daily activities so that we might experience You at the center of our lives and know a happiness that the world cannot give and share it with those with whom we work. 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	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

RESOLUTIONS

Senator Caskey offered Senate Resolution No. 1339, regarding the Ninetieth Birthday of William Louis Jolly Dee, Warrensburg, which was adopted.

Senator Caskey offered Senate Resolution No. 1340, regarding the Ninetieth Birthday of Thomas N. Pennacchio, Warrensburg, which was adopted.

Senator Gross offered Senate Resolution No. 1341, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joseph Gillardi, Sr., St. Peters, which was adopted.

Senator Gross offered Senate Resolution No. 1342, regarding St. Louis Data Destruction, St. Louis, which was adopted.

Senator Gross offered Senate Resolution No. 1343, regarding the St. Louis 1904 World’s Fair Charitable Foundation, which was adopted.

INTRODUCTION OF BILLS

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

SB 1266—By Kennedy, Callahan, Loudon, Stoll and Shields.

An Act to repeal section 208.631, RSMo, and to enact in lieu thereof one new section relating to the children’s health insurance program.

SB 1267—By Kinder.

An Act to repeal section 416.615, RSMo, and to enact in lieu thereof two new sections relating to consumer protection.

SB 1268—By Shields.

An Act to repeal section 229.340, RSMo, and to enact in lieu thereof one new section relating to public rights-of-way.

THIRD READING OF SENATE BILLS

SS for **SB 1000**, introduced by Senator Bartle, 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.

Was taken up.

On motion of Senator Bartle, **SS** for **SB 1000** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Dougherty	Foster	Gibbons	Goode
Griesheimer	Gross	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Steelman	Stoll	Vogel	Wheeler
Yeckel—29			

NAYS—Senators—None

Absent—Senators

Bland	Coleman	Days	Dolan
Jacob—5			

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SCS for **SBs 1144, 919** and **874**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1144, 919 and 874

An Act to repeal sections 301.141, 301.142, 301.143, and 302.181, RSMo, and to enact in lieu thereof five new sections relating to the operation of motor vehicles, with penalty provisions and an effective date.

Was taken up by Senator Dolan.

On motion of Senator Dolan, **SCS** for **SBs 1144, 919** and **874** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Caskey
Cauthorn	Champion	Childers	Clemens
Dolan	Dougherty	Foster	Gibbons
Goode	Griesheimer	Gross	Jacob
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Quick	Russell
Scott	Shields	Steelman	Vogel
Wheeler	Yeckel—30		

NAYS—Senators—None

Absent—Senators

Bland	Coleman	Days	Stoll—4
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Absent with leave—Senators—None

The President declared the bill passed.

On motion of Senator Dolan, title to the bill

was agreed to.

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

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

Senator Childers requested unanimous consent of the Senate to allow members of the Economic Development, Tourism and Local Government Committee’s study group on **SB 1082** to meet today while the Senate is in afternoon session, which request was granted.

SS for **SB 732**, introduced by Senator Gross, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 732

An Act to repeal sections 67.1706 and 67.1754, RSMo, and to enact in lieu thereof two new sections relating to the duties of the metropolitan park and recreation system.

Was taken up.

On motion of Senator Gross, **SS** for **SB 732** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Bland	Coleman	Days—3
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Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

Senator Nodler moved that **SB 1080**, with **SA 4** (pending) be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 4 was again taken up.

At the request of Senator Jacob, the above amendment was withdrawn.

Senator Jacob offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Bill No. 1080, Page 4, Section 160.518, Line 89, by striking “federal standards” and inserting in lieu thereof the following: “**existing federal standards, as of the effective date of this section**”; and

Further amend line 92, by striking “federal standards” and inserting in lieu thereof the following: “**existing federal standards, as of the effective date of this section**”.

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

On motion of Senator Nodler, **SB 1080**, as amended, was declared perfected and ordered printed.

SJR 44, with **SCS**, was placed on the Informal Calendar.

SB 933 was placed on the Informal Calendar.

Senator Dolan moved that **SJR 44**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SJR 44**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 44

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 transportation.

Was taken up.

Senator Dolan moved that **SCS** for **SJR 44** be adopted.

Senator Dolan offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Joint Resolution No. 44, Page 4, Section 30(b), Line 92, by striking “or”; and further amend line 97 by inserting at the end of said line the following: “; **or**”; and further amend said line by inserting after all of said line the following:

“(4) To cover any refunds related to motor fuel taxes, motor sales taxes, motor vehicle registration fees, or other state revenue derived from highway users”; and

Further amend said bill and section, page 5, line 116, by inserting at the end of said line the following: **“The amount of the proceeds credited to the state road fund pursuant to this subsection shall not include any of the revenues which are derived from the one cent sales tax, approved by the voters in 1982 by Proposition C, imposed on all motor vehicles, trailers, motorcycles, mopeds and motortricycles that are credited to the school district trust fund as provided by law.”;** and

Further amend the title and enacting clause accordingly.

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

Senator Goode offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Joint Resolution No. 44, Page 5, Section 30(b), Line 139, by adding the following:

“8. The commission shall contract with other state agencies and departments for the services provided by such agencies and departments. Such services provided by such

agencies and departments shall include, but not be limited to, the collection of highway revenues. The provisions of this section shall not apply if the commission decides to perform the services internally, if authorized by law.”.

Senator Goode moved that the above amendment be adopted.

At the request of Senator Dolan, **SJR 44**, with **SCS** and **SA 2** (pending), was placed on the Informal Calendar.

On motion of Senator Gibbons, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Shields.

RESOLUTIONS

Senator Yeckel offered Senate Resolution No. 1344, regarding Jacquelyn J. Schrader, St. Ann, which was adopted.

Senator Stoll offered Senate Resolution No. 1345, regarding Kenton William “Kent” Botkin, Pevely, which was adopted.

Senator Champion offered Senate Resolution No. 1346, regarding Boy Scout Troop 31, Springfield, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1347, regarding Lewis W. Galbreath, Mexico, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1348, regarding Lorraine Galbreath, Mexico, which was adopted.

Senator Klindt offered Senate Resolution No. 1349, regarding the One Hundredth Birthday of Winona Godman, Jamesport, which was adopted.

Senator Klindt offered Senate Resolution No. 1350, regarding the Fraternal Order of Eagles Marceline Aerie #726, Marceline, which was adopted.

Senator Klindt offered Senate Resolution No. 1351, regarding Kenneth Budine, Savannah, which

was adopted.

Senator Klindt offered Senate Resolution No. 1352, regarding Kyle Budine, Savannah, which was adopted.

Senator Yeckel offered Senate Resolution No. 1353, regarding Dr. O. Victor Lenz, Jr., Ph.D., Crestwood, which was adopted.

SENATE BILLS FOR PERFECTION

Senator Dolan moved that **SJR 44**, with **SCS** and **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Gross assumed the Chair.

SA 2 was again taken up.

Senator Goode moved that the above amendment be adopted, which motion failed on a standing division vote.

SCS for **SJR 44**, as amended, was again taken up.

Senator Dolan moved that **SCS** for **SJR 44**, as amended, be adopted, which motion prevailed.

On motion of Senator Dolan, **SCS** for **SJR 44**, as amended, was declared perfected and ordered printed.

Senator Gibbons moved that **SB 1099**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 1099**, as amended, was again taken up.

Senator Gibbons offered **SS** for **SCS** for **SB 1099**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1099

An Act to repeal sections 21.810, 32.057, 620.014, 620.017, and 620.1300, RSMo, and to enact in lieu thereof fifteen new sections relating to tax credits, with penalty provisions.

Senator Gibbons moved that **SS** for **SCS** for

SB 1099, be adopted.

Senator Goode offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1099, Page 9, Section 32.057, Line 19, by inserting immediately after said line the following:

“135.326. As used in sections 135.325 to 135.339, the following terms shall mean:

(1) “Business entity”, person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, RSMo;

(2) “Handicap”, a mental, physical, or emotional impairment that substantially limits one or more major life activities, whether the impairment is congenital or acquired by accident, injury or disease, and where the impairment is verified by medical findings;

(3) “Nonrecurring adoption expenses”, reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of a special needs child and which are not incurred in violation of federal, state, or local law;

(4) “Special needs child”, a child **who was born in Missouri and at least one of the natural parents of the child was a resident of Missouri for two years prior to the child's birth, or a child who was in the care of the department of social services for the two years prior to adoption and** for whom it has been determined by

the division of family services, or by a child-placing agency licensed by the state, or by a court of competent jurisdiction to be a child:

(a) That cannot or should not be returned to the home of his or her parents; and

(b) Who has a specific factor or condition such as ethnic background, age, membership in a minority or sibling group, medical condition, or handicap because of which it is reasonable to conclude that such child cannot be easily placed with adoptive parents;

(5) "State tax liability", any liability incurred by a taxpayer under the provisions of chapter 143, RSMo, chapter 147, RSMo, chapter 148, RSMo, and chapter 153, RSMo, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, RSMo, and related provisions."; and

Further amend the title and enacting clause accordingly.

Senator Goode moved that the above amendment be adopted.

Senator Gibbons raised the point of order that **SA 1** is out of order as it is not germane to the subject matter of the bill.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 was again taken up.

Senator Loudon offered **SSA 1** for **SA 1**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1099, Page 2, Section 135.326, Lines 5-9, by striking all of said lines and replacing them with the following:

““Special needs child”, a child who is in need of a family for whom it has been”; and

Further amend said amendment, line 19 by inserting after said line the following:

(c) When applications exceed the availability of appropriated credits priority shall go to those applications submitted for children who reside in the custody of a Missouri child-placing agency.”.

Senator Loudon moved that the above substitute amendment be adopted.

Senator Goode raised the point of order that **SSA 1** for **SA 1** is out of order, as it is not a true substitute amendment.

The point of order was referred to the President Pro Tem.

At the request of Senator Loudon, **SSA 1** for **SA 1** was withdrawn, rendering the point of order moot.

SA 1 was again taken up.

At the request of Senator Goode, the above amendment was withdrawn.

Senator Gibbons offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1099, Page 21, Section 135.820, Lines 11-24, by striking all of said lines; and

Further amend the title and enacting clause accordingly.

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

Senator Bartle offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 1099, Page 10, Section 135.800, Line 10 of said page, by striking the words “financial institutions tax credits.”; and

Further amend said bill and section, page 11, lines 27-29 of said page, by striking all of said lines; and

Further amend said bill and section, page 12,

lines 1-7 of said page, by striking all of said lines; and

Further amend said section by renumbering the remaining subdivisions accordingly.

Senator Bartle moved that the above amendment be adopted.

At the request of Senator Bartle, **SA 3** was withdrawn.

Senator Gibbons moved that **SS** for **SCS** for **SB 1099**, as amended, be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS** for **SCS** for **SB 1099**, as amended, was declared perfected and ordered printed.

SECOND READING OF SENATE BILLS

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

SB 1254—Commerce and the Environment.

SB 1255—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 1256—Judiciary and Civil and Criminal Jurisprudence.

SB 1257—Education.

SB 1258—Judiciary and Civil and Criminal Jurisprudence.

SB 1262—Transportation.

SB 1263—Transportation.

RESOLUTIONS

Senator Nodler offered Senate Resolution No. 1354, regarding Logan Skelley, Joplin, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Wheeler introduced to the Senate, St. Peter's School Cub Scout Pack 118, Kansas City.

On behalf of Senator Jacob and himself, Senator Clemens introduced to the Senate, the Physician of the Day, Dr. Ted Groshong, M.D., Columbia.

Senator Klindt introduced to the Senate, 2003-2004 State FFA Officers, Gina Eckler, Shelbyville; Chase Holcumbrink, Springfield; Nichole Busdieker, Hawk Point; Allison Yarnell, St. Joseph; Brook Carder, Gallatin; Marin Summers, Palmyra; Ryun Morris, Higginsville; Sara Muri, Jamestown; Blake Harper, Carthage; Brian Worthington, Dadeville; Jesse Cheever, West Plains; Rachel Whitener, Fredericktown; Casey Blevins, Bernie; and Heather Shauck, Barnett.

Senator Quick introduced to the Senate, Representatives of the Missouri Nurses Association from around the state.

Senator Scott introduced to the Senate, Rebecca McClanahan, Stephanie Tico, Jessica McCracken, Emily Holm, Rebecca Dial, Sara Manual, Jennifer Roth, Rory Kane and Angela Suppasansathorn from Truman State University, Kirksville.

Senator Loudon introduced to the Senate, Representatives of Teen Eagles from St. Louis County, St. Charles County, and Franklin County.

Senator Kennedy introduced to the Senate, Bonnie Kerby, Emily Zimmerman, Angie DiRaimondo, Christine Hood, Elizabeth Franklin, Melody Temares, Laura Polt, Julie Tiedeman, Katie Moeller and Mark Augustinius, St. Louis University School of Nursing, St. Louis.

On behalf of Senator Kennedy and herself, Senator Yeckel introduced to the Senate, Senator Kennedy's nephew Michael Guehring, and Karen Papin and fifth grade students from Crestwood Elementary School, St. Louis County.

On behalf of Senator Yeckel and himself, Senator Griesheimer introduced to the Senate, Sheila Leander and Catherine Ebeling, Wildwood; Ellen Baker, Oakville; and Ginna Mebon, Town and Country.

On behalf of Senator Quick and himself, Senator Griesheimer introduced to the Senate, Wesley and Linda Herweck, Union; and John, Sarah, James and Jacob Andrus, Kansas City.

Senator Gross introduced to the Senate,
Darrell and Darlene Hunt, St. Charles.

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

SENATE CALENDAR

TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 18, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1259-Childers
SB 1260-Dolan
SB 1261-Dolan
SB 1264-Scott
SB 1265-Bartle

SB 1266-Kennedy, et al
SB 1267-Kinder
SB 1268-Shields
SJR 47-Cauthorn

Unofficial

THIRD READING OF SENATE BILLS

SS for SCS for SB 730-Gross
(In Fiscal Oversight)

Journal

SENATE BILLS FOR PERFECTION

SB 1038-Yeckel, with SCS
SB 969-Shields, with SCS
SB 856-Loudon, with SCS
SB 1123-Gibbons, et al

SJR 29-Steelman, et al
SB 1138-Bartle
SB 870-Bartle

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INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey, with SCS, SS
for SCS & SA 6 (pending)
SB 718-Yeckel, et al
SB 933-Yeckel, et al

SB 990-Loudon, with SCS
SBs 1020, 889 & 869-Steelman, et al,
with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 951-Griesheimer
SB 952-Wheeler, with SCS
SB 1012-Caskey
SB 1062-Griesheimer, with SCS
SB 1075-Coleman, with SCS
SB 808-Klindt
SB 741-Klindt
SB 1100-Gibbons and Gross, with SCS
SB 1052-Jacob

SB 781-Caskey
SB 827-Bartle, with SCS
SB 803-Gross
SB 1093-Gibbons and Yeckel, with SCS
SB 783-Mathewson
SB 837-Caskey, with SCS
SB 859-Klindt, with SCS
SB 799-Steelman, with SCS
SB 878-Goode, et al, with SCS

Reported 2/16

SB 1197-Quick, with SCS
SB 1107-Shields
SB 1106-Shields, with SCS

SB 920-Caskey
SB 921-Caskey, with SCS
SRB 1108-Bartle

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