

# Journal of the Senate

SECOND REGULAR SESSION

---

THIRTY-FOURTH DAY—MONDAY, MARCH 8, 2004

---

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

“Meet the World with the fullness of your being and you shall meet God.” (Martin Buber)

Gracious God, we pray this afternoon that we use our whole being in the work we do this week, the recreation we have and the joy of living we embrace, and in this we meet You; and knowing You, You will guide our actions so that we can accomplish Your will for 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 for Thursday, March 4, 2004, 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 Days offered Senate Resolution No. 1461, regarding the Alpha Kappa Alpha Sorority’s 74th Annual Mid-Western Regional Conference, which was adopted.

Senator Loudon offered Senate Resolution No. 1462, regarding Emily R. DeGregorio, St. Louis, which was adopted.

Senator Childers offered Senate Resolution No. 1463, regarding Bible Baptist Church, Cassville, which was adopted.

Senator Scott offered Senate Resolution No. 1464, regarding Jaclyn Rohrs, Bolivar, which was adopted.

Senator Gibbons offered Senate Resolution No. 1465, regarding Lara Bopp, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 1466, regarding Andrew Pelikan, Kirkwood, which was adopted.

Senator Bartle offered Senate Resolution No.

1467, regarding Jeffrey Ryan “Jeff” Thomas, Buckner, which was adopted.

Senator Bartle offered Senate Resolution No. 1468, regarding Keith Daniel Rowland, Buckner, which was adopted.

Senator Bartle offered Senate Resolution No. 1469, regarding Jim Bouck, Raytown, which was adopted.

Senator Russell offered Senate Resolution No. 1470, regarding Lacy Morris, Mountain Grove, which was adopted.

Senator Shields offered Senate Resolution No. 1471, regarding Matthew Thomas Tucker, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1472, regarding Justin Michael Short, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1473, regarding Zachary Joseph Eber, Kansas City, which was adopted.

Senator Shields offered Senate Resolution No. 1474, regarding Robert Kenneth Bratney, Kansas City, which was adopted.

Senator Yeckel offered Senate Resolution No. 1475, regarding Katharine “Melody” Federer, St. Louis, which was adopted.

Senator Scott offered Senate Resolution No. 1476, regarding Natalie Scrivner, Stockton, which was adopted.

Senator Scott offered Senate Resolution No. 1477, regarding Tonya Goosen, Cole Camp, which was adopted.

Senator Yeckel offered Senate Resolution No. 1478, regarding Nikki Grass, Ste. Genevieve, which was adopted.

Senator Yeckel offered Senate Resolution No. 1479, regarding Stephanie Silva, St. Peters, which was adopted.

Senator Yeckel offered Senate Resolution No. 1480, regarding Adrienne Geile, Wildwood, which was adopted.

Senator Yeckel offered Senate Resolution No. 1481, regarding Laura Dotson, St. Peters, which was adopted.

Senator Yeckel offered Senate Resolution No. 1482, regarding Jessica Zemann, Fenton, which was adopted.

Senator Yeckel offered Senate Resolution No. 1483, regarding Kimberly Taubel, Washington, which was adopted.

Senator Yeckel offered Senate Resolution No. 1484, regarding Jennifer J. Hesselbein, St. Charles, which was adopted.

Senator Yeckel offered Senate Resolution No. 1485, regarding Allison Rue Gunkel, Valley Park, which was adopted.

Senator Yeckel offered Senate Resolution No. 1486, regarding Stacey Hesselbein, St. Charles, which was adopted.

Senator Yeckel offered Senate Resolution No. 1487, regarding Jessica Patschull, Florissant, which was adopted.

Senator Yeckel offered Senate Resolution No. 1488, regarding Atlee Rose Callahan, Cedar Hill, which was adopted.

Senator Yeckel offered Senate Resolution No. 1489, regarding Kelly Thomure, Florissant, which was adopted.

Senator Yeckel offered Senate Resolution No. 1490, regarding Tameka M. Greene, Black Jack, which was adopted.

Senator Yeckel offered Senate Resolution No. 1491, regarding Krystle Lynn Vineyard, St. Ann, which was adopted.

Senator Yeckel offered Senate Resolution No. 1492, regarding Edward Akrie Bulliner, IV, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1493, regarding Kristin MacKeen, Chesterfield, which was adopted.

Senator Yeckel offered Senate Resolution No. 1494, regarding Bridget Dolan, St. Louis, which

was adopted.

Senator Gibbons offered Senate Resolution No. 1495, regarding Bryan G. Young, St. Louis, which was adopted.

Senator Shields offered Senate Resolution No. 1496, regarding Laurie Reichert, Kearney, which was adopted.

Senator Yeckel offered Senate Resolution No. 1497, regarding Jim Gleason, Green Park, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1498, regarding Millicent P. Belt, Macon, which was adopted.

Senator Callahan offered Senate Resolution No. 1499, regarding David M. Millin, Independence, which was adopted.

Senator Steelman offered Senate Resolution No. 1500, regarding Chadwick E. Raw, Linn, which was adopted.

Senator Yeckel offered Senate Resolution No. 1501, regarding Valerie Reichold, Cedar Hill, which was adopted.

Senator Yeckel offered Senate Resolution No. 1502, regarding Leslie Heinicke, Glendale, which was adopted.

Senator Stoll offered Senate Resolution No. 1503, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Nathan Poteet, DeSoto, which was adopted.

Senator Stoll offered Senate Resolution No. 1504, regarding Missouri Emergency Medical Services Day, which was adopted.

Senator Caskey offered Senate Resolution No. 1505, regarding the One Hundredth Birthday of Alta Simatic, Lee's Summit, which was adopted.

Senator Klindt offered Senate Resolution No. 1506, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Rex Stuart, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No.

1507, regarding Ashley Hopkins, Hamilton, which was adopted.

Senator Klindt offered Senate Resolution No. 1508, regarding Rebecca Mowry, Trimble, which was adopted.

Senator Klindt offered Senate Resolution No. 1509, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lester George, Spickard, which was adopted.

## **REPORTS OF STANDING COMMITTEES**

Senator Childers, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 1240**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 1249**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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 824**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Foster, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education,

to which was referred **SB 1112**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 1257**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Education, to which was referred **SB 1133**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Yeckel, Chairman of the Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1230**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1188**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1074**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 1181**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

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 was referred **SB 1250**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Pensions and General Laws, to which was referred **SB 1084**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 1165**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Shields, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1274**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was

referred **SB 1047**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1142**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1083**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Dolan, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 1262**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

On behalf of Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, Senator Gibbons submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 1299**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 1215**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 1235**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SB 1123**; **SCS** for **SB 937**; and **SCS** for **SB 1040**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Gibbons, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS** for **SCS** for **SB 968**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

### SENATE BILLS FOR PERFECTION

Senator Yeckel moved that **SB 718** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Yeckel offered **SS** for **SB 718**, entitled:

#### SENATE SUBSTITUTE FOR SENATE BILL NO. 718

An Act to repeal sections 536.010 and 536.050, RSMo, and to enact in lieu thereof eight new sections relating to small businesses.

Senator Yeckel moved that **SS** for **SB 718** be adopted.

Senator Jacob offered **SS** for **SS** for **SB 718**, entitled:

SENATE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR  
SENATE BILL NO. 718

An Act to repeal section 536.010, RSMo, and to enact in lieu thereof five new sections relating to small businesses.

Senator Jacob moved that **SS** for **SS** for **SB 718** be adopted.

At the request of Senator Yeckel, **SB 718**, with **SS** and **SS** for **SS** (pending), was placed on the Informal Calendar.

Senator Steelman moved that **SB 1020**, **SB 889** and **SB 869**, with **SCS**, **SA 2** and **SSA 1** for **SA 2** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SSA 1** for **SA 2** was again taken up.

At the request of Senator Steelman, the above substitute amendment was withdrawn.

**SA 2** was again taken up.

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

Senator Steelman offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 3, Section 610.010, Line 76, by striking the words “and presented to” and inserting in lieu thereof the following: “**for**”; and

Further amend said section, Page 4, Line 82, by inserting after the word “years” the following: “**. Any document or study prepared for a public governmental body by a consultant or other professional service, as described in this subdivision, shall be retained by the public governmental body in the same manner as any other public record**”.

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

Senator Steelman offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 10, Section 610.022, Line 35, by inserting after all of said line the following:

“610.023. 1. Each public governmental body is to appoint a custodian who is to be responsible for the maintenance of that body's records. The identity and location of a public governmental body's custodian is to be made available upon request.

2. Each public governmental body shall make available for inspection and copying by the public of that body's public records. No person shall remove original public records from the office of a public governmental body or its custodian without written permission of the designated custodian. No public governmental body shall, after August 28, 1998, grant to any person or entity, whether by contract, license or otherwise, the exclusive right to access and disseminate any public record unless the granting of such right is necessary to facilitate coordination with, or uniformity among, industry regulators having similar authority.

3. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received by the custodian of records of a public governmental body. **If a request for records asks for the record in a certain format, the public body shall provide the records in the requested format, if such format is available.** If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three days for reasonable cause.

4. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be

furnished to the requester no later than the end of the third business day following the date that the request for the statement is received.”; and

Further amend the title and enacting clause accordingly.

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

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

**SENATE AMENDMENT NO. 5**

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 11, Section 610.026, Line 8, by striking the word “ten” and inserting in lieu thereof the following: “**twenty-five**”.

Senator Griesheimer moved that the above amendment be adopted.

Senator Gibbons offered **SSA 1** for **SA 5**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 5**

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 11, Section 610.026, Line 4, by deleting the opening bracket “[” on said line; and further to delete the closing bracket “]” on line 8; and further, by deleting all of said line 8 following the closing bracket, all of lines 9 and 10, and line 11 through the word “charge”.

Senator Gibbons moved that the above substitute amendment be adopted.

At the request of Senator Steelman, **SB 1020**, **SB 889** and **SB 869**, with **SCS**, **SA 5** and **SSA 1** for **SA 5** (pending), were placed on the Informal Calendar.

Senator Steelman moved that **SB 1020**, **SB 889** and **SB 869**, with **SCS**, **SA 5** and **SSA 1** for **SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SSA 1** for **SA 5** was again taken up.

Senator Gibbons moved that the above substitute amendment be adopted.

Senator Steelman requested a roll call vote be taken on the adoption of **SSA 1** for **SA 5** and was joined in her request by Senators Coleman, Jacob, Russell and Stoll.

**SSA 1** for **SA 5** failed of adoption by the following vote:

YEAS—Senators

Bray	Childers	Days	Dougherty
Foster	Gibbons	Goode	Gross
Jacob	Kennedy	Mathewson	Quick
Stoll	Vogel	Wheeler	Yeckel—16

NAYS—Senators

Bartle	Callahan	Caskey	Cauthorn
Champion	Clemens	Coleman	Dolan
Griesheimer	Kinder	Klindt	Loudon
Nodler	Russell	Scott	Shields
Stelman—17			

Absent—Senator Bland—1

Absent with leave—Senators—None

**SA 5** was again taken up.

Senator Griesheimer offered **SSA 2** for **SA 5**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 2  
FOR SENATE AMENDMENT NO. 5**

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 11, Section 610.026, Line 8, by striking the word “ten” and inserting in lieu thereof the following: “**twenty**”.

Senator Griesheimer moved that the above substitute amendment be adopted.

Senator Goode offered **SA 1** to **SSA 2** for **SA 5**, which was read:

**SENATE AMENDMENT NO. 1 TO  
SENATE SUBSTITUTE AMENDMENT NO. 2  
FOR SENATE AMENDMENT NO. 5**

Amend Senate Substitute Amendment No. 2 for Senate Amendment No. 5 to Senate Committee

Substitute for Senate Bills Nos. 1020, 889 and 869, Page 1, Line 2, by inserting after the word “twenty” the following: “, **except in any county with a charter form of government where it shall be ten,**”.

Senator Goode moved that the above amendment be adopted.

At the request of Senator Goode, **SA 1 to SSA 2** for **SA 5** was withdrawn.

**SSA 2** for **SA 5** was again taken up.

Senator Griesheimer moved that the above substitute amendment be adopted.

Senator Dolan requested a roll call vote be taken on the adoption of **SSA 2** for **SA 5** and was joined in his request by Senators Cauthorn, Griesheimer, Gross and Steelman.

**SSA 2** for **SA 5** failed of adoption by the following vote:

YEAS—Senators

Bartle	Dolan	Griesheimer	Gross—4
--------	-------	-------------	---------

NAYS—Senators

Bray	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Days	Dougherty	Foster	Gibbons
Goode	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Quick	Russell	Scott	Shields
Stelman	Stoll	Vogel	Wheeler
Yeckel—29			

Absent—Senator Bland—1

Absent with leave—Senators—None

Senator Goode offered **SSA 3** for **SA 5**:

**SENATE SUBSTITUTE AMENDMENT NO. 3  
FOR SENATE AMENDMENT NO. 5**

Amend Senate Committee Substitute for Senate Bills Nos. 1020, 889 and 869, Page 12, Section 610.027, Line 23, by striking the following: “committed a grossly negligent violation of” and inserting in lieu thereof the following: “**knowingly violated**”; and further

amend said section and page, Line 27, by striking the following: “grossly negligent” and inserting in lieu thereof the following: “**knowing**”; and

Further amend said bill, Page 17, Section 610.100, Lines 86 and 87 by striking the following: “committed a grossly negligent violation of” and inserting in lieu thereof the following: “**knowingly violated**”; and further amend said page and section, Line 90, by striking the words “grossly negligent” and inserting in lieu thereof the following: “**knowing**”.

Senator Goode moved that the above substitute amendment be adopted.

At the request of Senator Steelman, **SB 1020**, **SB 889** and **SB 869**, with **SCS, SA 5** and **SSA 3** for **SA 5** (pending), were placed on the Informal Calendar.

**SECOND READING OF SENATE BILLS**

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

**SB 1289**—Economic Development, Tourism and Local Government.

**SB 1331**—Economic Development, Tourism and Local Government.

**SB 1332**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1335**—Ways and Means.

**SB 1341**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1346**—Aging, Families, Mental and Public Health.

**SB 1356**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1357**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1358**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1366**—Financial and Governmental Organization, Veterans’ Affairs and Elections.



**SB 1386**—Pensions and General Laws.

**SB 1387**—Education.

**SB 1389**—Education.

**SB 1390**—Agriculture, Conservation, Parks and Natural Resources.

**SB 1391**—Economic Development, Tourism and Local Government.

**SB 1392**—Aging, Families, Mental and Public Health.

**SB 1393**—Transportation.

**SB 1394**—Ways and Means.

**SB 1395**—Ways and Means.

**SB 1396**—Aging, Families, Mental and Public Health.

**SB 1397**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1399**—Small Business, Insurance and Industrial Relations.

**SB 1400**—Agriculture, Conservation, Parks and Natural Resources.

**SJR 48**—Financial and Governmental Organization, Veterans' Affairs and Elections.

**SJR 49**—Agriculture, Conservation, Parks and Natural Resources.

**SJR 50**—Education.

**SJR 51**—Governmental Accountability and Fiscal Oversight.

### HOUSE BILLS ON SECOND READING

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

**HCS for HB 1338**—Economic Development, Tourism and Local Government.

**HB 841**—Commerce and the Environment.

### 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 House has taken up and passed **HCS** for **HB 895**, entitled:

An Act to repeal section 233.295, RSMo, and to enact in lieu thereof one new section relating to dissolution of certain road districts, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 923**, entitled:

An Act to repeal sections 402.199, 402.200, 402.205, 402.215, and 402.217, RSMo, and to enact in lieu thereof five new sections relating to the Missouri family trust.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 955**, entitled:

An Act to repeal sections 324.200, 324.203, 324.205, 324.210, and 324.215, RSMo, and to enact in lieu thereof seven new sections relating to dietitians.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 960**, entitled:

An Act to amend chapter 227, RSMo, by

adding thereto one new section relating to the Trooper Russell Harper Memorial Highway.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 932**, entitled:

An Act to amend chapter 644, RSMo, by adding thereto three new sections relating to water pollution control bonds.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 989**, entitled:

An Act to authorize the conveyance of property owned by the state in the county of Dent to the city of Salem, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1070**, entitled:

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to emergency preparedness plans for schools.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the

House has taken up and passed **HB 1071**, entitled:

An Act to authorize the governor to convey a tract of land owned by the state to Pierce City, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1107**, entitled:

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

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1126**, entitled:

An Act to repeal section 278.258, RSMo, and to enact in lieu thereof one new section relating to detachment from watershed districts.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

President Pro Tem Kinder assumed the Chair.

## MESSAGES FROM THE GOVERNOR

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

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City, Missouri

March 4, 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:

David W. Ansley, Democrat, 2110 E. Woodhaven Place, Springfield, Greene County, Missouri 65804, as a member of the Missouri Southern State University - Joplin Board of Regents, for a term ending August 30, 2009, and until his successor is duly appointed and qualified; vice, Glenn Wilson, term expired.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
March 4, 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:

Dirck Clark, Republican, 14306 Riverview Drive, Savannah, Andrew County, Missouri 64485, as a member of the Missouri Western State College Board of Regents, for a term ending October 29, 2009, and until his successor is duly appointed and qualified; vice, Mary Lynn Watkins, term expired.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
March 4, 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:

Randall J. Davis, 9764 Lee Drive, Hillsboro, Jefferson County, Missouri 63050, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2008, and until his successor is duly appointed and qualified; vice, Nathan Williams, term expired.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
March 4, 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:

Michael E. Dunard, Democrat, 2208 Bell Court, Troy,

Lincoln County, Missouri 63379, as a member of the Missouri Ethics Commission, for a term ending March 15, 2008, and until his successor is duly appointed and qualified; vice, James E. Spain, term expired.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
March 4, 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:

Mitchel F. Geisler, Democrat, 1216 South Benton, Marshall, Saline County, Missouri 65340, as a member of the State Lottery Commission, for a term ending September 7, 2007, and until his successor is duly appointed and qualified; vice, William James, term expired.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
March 4, 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:

Mary A. Holyoke, 13163 Highway 21, DeSoto, Jefferson County, Missouri 63020, as a member of the Missouri Acupuncturist Advisory Committee, for a term ending December 10, 2007, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
March 4, 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:

Warren E. Nieburg, Ph.D., Republican, Rural Route 4, Box 4255, Camdenton, Camden County, Missouri 65020, as a member

of the Missouri Ethics Commission, for a term ending March 15, 2008, and until his successor is duly appointed and qualified; vice, Sandra Donahue, term expired.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
March 4, 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:

Bob G. Scheid, 1329 W. Swallow Street, Springfield, Greene County, Missouri 65810, as a member of the Missouri Head Injury Advisory Council, for a term ending July 1, 2006, and until his successor is duly appointed and qualified; vice, Billie Sue Graves, term expired.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
March 4, 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:

Robert L. Simpson, Republican, Route 1, Box 1294, Potosi, Washington County, Missouri 63664, as a member of the Missouri Ethics Commission, for a term ending March 15, 2008, and until his successor is duly appointed and qualified; vice, Philip Conger, term expired.

Respectfully submitted,  
BOB HOLDEN  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City, Missouri  
March 4, 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:

Regina M. Staves, 13305 Walnut, Kansas City, Jackson County, Missouri 64145, as a member of the Children's Trust Fund Board, for a term ending July 23, 2006, and until her successor is duly appointed and qualified; vice, Naam B. Gray, resigned.

Respectfully submitted,  
BOB HOLDEN  
Governor

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

## SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HCS** for **HBs 950** and **948**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Shields assumed the Chair.

## RESOLUTIONS

Senator Stoll offered Senate Resolution No. 1510, regarding Robert William "Bobby" Springkamper, III, High Ridge, which was adopted.

Senator Stoll offered Senate Resolution No. 1511, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James English, Barnhart, which was adopted.

## COMMUNICATIONS

Senator Kinder submitted the following:

March 4, 2004

Mrs. Terry Spieler  
Secretary of the Missouri Senate  
State Capitol, Room 325  
Jefferson City, MO 65101

**RE: Appointment to the Joint Committee on Gaming and Wagering**

Dear Terry:

Pursuant to Section 313.001, RSMo 2002, I am appointing Senator Harry Kennedy to the Joint Committee on Gaming and

Wagering.

If you have any questions, please feel free to contact me at your earliest convenience.

Sincerely,

/s/ Peter D. Kinder  
PETER D. KINDER  
President Pro-Tem

**INTRODUCTIONS OF GUESTS**

Senator Bartle introduced to the Senate, Theresa Shelley and her daughter Stephanie, Blue Springs; and Stephanie was made an honorary page.

Senator Caskey introduced to the Senate, Michaela Cooper, Blue Springs; and Michaela was

made an honorary page.

Senator Scott introduced to the Senate, his son Timothy Scott, Eldorado Springs; and Jody Freeman, Overland Park, Kansas.

Senator Nodler introduced to the Senate, James Link and twenty students from Ozark Bible Institute, Neosho.

Senator Stoll introduced to the Senate, Stephanie Kitchell and the Jefferson College Student Senate: Rachel Mailhot, Monica McDaniel, Joyce McDaniel, Brain Skubic and Beth Walsh.

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

**SENATE CALENDAR**



THIRTY-FIFTH DAY-TUESDAY, MARCH 9, 2004



**FORMAL CALENDAR**

**SECOND READING OF SENATE BILLS**

SB 1398-Jacob and Kinder

**HOUSE BILLS ON SECOND READING**

HCS for HB 895  
HB 923-Holand and Fraser  
HCS for HB 955  
HB 960-Roark  
HB 932-Bivins and Villa

HB 989-Barnitz and Kuessner  
HB 1070-Miller, et al  
HB 1071-Goodman  
HB 1107-Crawford, et al  
HB 1126-Seigfreid, et al

**THIRD READING OF SENATE BILLS**

SCS for SB 937-Gross  
SCS for SB 754-Vogel  
SCS for SB 1040-Griesheimer

SB 1123-Gibbons, et al  
SCS for SB 1160-Shields, et al  
SS for SCS for SB 968-Shields

## SENATE BILLS FOR PERFECTION

SB 1180-Shields and Kinder, with SCS	SB 1081-Kinder, et al, with SCS
SBs 1027 & 896-Cauthorn, et al, with SCS	SB 1141-Loudon, with SCS
SB 988-Steelman, with SCS	SB 960-Gibbons, with SCS
SBs 1069, 1068, 1025, 1005 & 1089-Gross and Griesheimer, with SCS	SBs 1233, 840 & 1043-Dolan, with SCS
SB 809-Klindt, with SCS	SB 710-Goode and Bray, with SCS
SB 1232-Clemens, et al, with SCS	SB 1220-Caskey, with SCS
	SBs 738 & 790-Loudon, with SCS

## HOUSE BILLS ON THIRD READING

HCS for HB 1182, with SCS (Klindt)

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey, with SCS, SS for SCS & SA 24 (pending)	SB 989-Gross, et al, with SCS (pending)
SB 718-Yeckel, et al, with SS & SS for SS (pending)	SB 990-Loudon, with SCS
SB 755-Shields, with SCS	SBs 1020, 889 & 869-Steelman, et al, with SCS, SA 5 & SSA 3 for SA 5 (pending)
SB 856-Loudon, with SCS	SB 1122-Shields, with SCS & SS for SCS (pending)
SB 933-Yeckel, et al	SB 1138-Bartle

## CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt	SB 799-Steelman, with SCS
SB 1093-Gibbons and Yeckel, with SCS	

Reported 2/23

SB 1229-Caskey	SB 1048-Nodler, et al
SB 1218-Quick, with SCS	SB 1044-Shields, with SCS
SB 1162-Jacob	SB 1172-Gibbons, et al, with SCS

SB 1007-Goode, et al  
 SB 962-Clemens, with SCS  
 SB 992-Cauthorn, with SCS  
 SB 1177-Klindt, with SCS  
 SB 900-Goode, with SCA 1  
 SB 945-Gibbons, with SCS  
 SB 1087-Days, et al  
 SB 1086-Cauthorn  
 SB 1078-Loudon, with SCS  
 SB 883-Klindt  
 SB 966-Shields

SB 757-Shields, with SCS  
 SB 771-Bray, with SCS  
 SB 772-Bray and Griesheimer  
 SB 788-Childers, with SCS  
 SB 845-Yeckel, with SCS  
 SB 894-Goode  
 SB 899-Goode  
 SB 956-Scott, with SCS  
 SB 1225-Dougherty, et al, with SCS  
 SB 1114-Loudon

#### Reported 3/1

SB 762-Champion, with SCS#2  
 SB 1212-Wheeler and Russell, with SCS  
 SB 1243-Wheeler  
 SB 1253-Mathewson, et al, with SCS  
 SBs 1085 & 800-Foster, et al, with SCS  
 SB 884-Klindt

SB 768-Nodler  
 SB 1111-Klindt  
 SB 1064-Scott and Clemens  
 SB 974-Dougherty, with SCS  
 SB 1130-Scott  
 SB 1055-Bartle and Wheeler

#### Reported 3/8

SB 1240-Griesheimer, with SCS  
 SB 1249-Champion  
 SB 824-Griesheimer  
 SB 1112-Clemens  
 SB 1257-Days and Foster  
 SB 1133-Foster, et al  
 SB 1230-Clemens and Griesheimer  
 SB 1188-Loudon, with SCS  
 SB 1074-Coleman, with SCS  
 SB 1181-Yeckel, with SCS  
 SB 1250-Scott, with SCS

SB 1084-Foster, with SCS  
 SB 1165-Russell  
 SB 1274-Shields  
 SB 1047-Kennedy  
 SB 1142-Dolan, with SCS  
 SB 1083-Kennedy and Dougherty  
 SB 1262-Dolan, with SCS  
 SB 1299-Loudon  
 SB 1215-Griesheimer, with SCS  
 SB 1235-Loudon, with SCS

### RESOLUTIONS

#### Reported from Committee

SCR 36-Gibbons and Dougherty, with SCS  
 SCR 37-Shields and Bartle

SCR 41-Klindt, with SCS