

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-SEVENTH DAY—THURSDAY, MARCH 11, 2004

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

“Our lives no longer belong to us alone; they belong to all those who need us desperately.” (Elie Wiesel)

Heavenly Father, as we finish our work for this week and head home to our loved ones make us mindful how much they need us. As we are separated from them each week help us to experience the loneliness they know only too well and strengthen us to provide the closeness and desires they need from 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 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

RESOLUTIONS

Senator Gross offered Senate Resolution No. 1527, regarding Michael D. Best, St. Charles, which was adopted.

Senator Scott offered Senate Resolution No. 1528, regarding the death of Dave Waller, which was adopted.

Senator Shields offered Senate Resolution No. 1529, regarding Christopher Thomas, St. Joseph, which was adopted.

Senator Kennedy offered Senate Resolution No. 1530, regarding Anthony Schilli, Ste. Genevieve County, which was adopted.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1230**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1074**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1142**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

President Pro Tem Kinder assumed the Chair.

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

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which was referred **SB 1371**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle assumed the Chair.

THIRD READING OF SENATE BILLS

SCS for **SBs 1027** and **896** entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1027 and 896

An Act to repeal sections 374.700, 374.705, 374.710, 374.715, 374.725, 374.730, 374.735, 374.740, 374.755, 374.757, 374.763, 374.765, 544.640, and 544.650, RSMo, and to enact in lieu thereof twenty-six new sections relating to the licensing of surety recovery agents, with penalty provisions.

Was taken up by Senator Cauthorn.

On motion of Senator Cauthorn, **SCS** for **SBs 1027** and **896** 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	Griesheimer
Gross	Jacob	Kennedy	Kinder
Klindt	Loudon	Mathewson	Nodler
Scott	Shields	Steelman	Stoll
Vogel	Yeckel—30		

NAYS—Senators

Quick Wheeler—2

Absent—Senators

Goode Russell—2

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 1172, with **SCS**, introduced by Senator Gibbons, et al, entitled:

An Act to amend chapter 109, RSMo, by adding thereto two new sections relating to the preservation of public records.

Was called from the Consent Calendar and taken up by Senator Gibbons.

SCS for **SB 1172**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1172

An Act to amend chapter 109, RSMo, by adding thereto two new sections relating to the preservation of public records.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 1172** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 1172** 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
Wheeler	Yeckel—34		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

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 Loudon moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Steelman moved that **SB 988**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 988**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 988**

An Act to repeal sections 260.200, 260.270, 260.272, 260.273, 260.274, 260.275, 260.276, 260.278, and 260.342, RSMo, and to enact in lieu thereof nine new sections relating to scrap tires, with penalty provisions and an emergency clause.

Was taken up.

Senator Steelman moved that **SCS** for **SB 988** be adopted.

Senator Klindt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 988, Page 12, Section 260.273, Line 22, by striking the word “four” and inserting in lieu thereof the following: “**one**”.

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

Senator Klindt offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 988, Page 13, Section 260.273, Line 41, by inserting after “related administrative costs” the following: “, **including but not limited to permitting and enforcement,**”.

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

Senator Klindt offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 988, Page 13, Section 260.273, Line 50, by striking the word “fifteen” and inserting in lieu thereof the following: “**twenty**”.

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

Senator Klindt offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 988, Page 14, Section 260.274, Lines 1-2, by striking the following: “and the [environmental improvement and energy resources authority]”; and inserting in lieu thereof the following: “[and], the environmental improvement and energy resources authority, **and the**”.

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

Senator Klindt offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 988, Page 13, Section 260.273, Line 47, by striking the following: “and subsequent fiscal years”; and further amend line 48, by striking the word “zero” and inserting in lieu thereof the following: “**ten**”.

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

Senator Klindt offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for Senate Bill No. 988, Page 10, Section 260.270, Line 86, by inserting after “sites” the following: “, **scrap tire end-user facilities, and scrap tire processing facilities**”.

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

Senator Childers offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for Senate Bill No. 988, Page 12, Section 260.273, Line 8, by inserting after the word “sold” the following: “**before July 1, 2009. On or after July 1, 2009, such fee shall be imposed at the rate of twenty-five cents for each new tire sold**”; and

Further amend said bill and section, Page 13, Line 37, by inserting after “6.]” the following: “**Prior to July 1, 2009,**”; and further amend line 49, by inserting after “purpose.” the following: “**On or after July 1, 2009, and for the subsequent five years after, one half of the revenue transferred into the subaccount of the solid waste management fund pursuant to subsection 3 of this section shall be allocated, upon appropriation, to the department of natural resources for the purpose of funding solid waste districts throughout the state. These funds shall be distributed in a manner so that each solid waste district operates at a minimum funding level of seventy-five thousand dollars**

from all state sources for each fiscal year. At the point at which such districts are operating at this level, all surplus revenue transferred into the subaccount of the solid waste management fund pursuant to subsection 3 of this section shall be equally apportioned to the solid waste districts throughout the state.”.

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

Senator Steelman moved that **SCS for SB 988**, as amended, be adopted, which motion prevailed.

On motion of Senator Steelman, **SCS for SB 988**, as amended, was declared perfected and ordered printed.

REPORTS OF STANDING COMMITTEES

Senator Kinder, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

James B. Wilson, as a member of the Board of Police Commissioners for Kansas City;

Also,

Lois B. Kramer-Owens, as a member of the State Committee of Dietitians;

Also,

C. Jeanne Loyd, as a member of the Missouri Head Injury Advisory Council;

Also,

Ralph G. Biele, as a member of the Missouri Gaming Commission;

Also,

Lois L. Reine, as a member of the Missouri Board of Examiners for Hearing Instrument Specialists;

Also,

Robert F. Lawrence, as a member of the Well Installation Board;

Also,

Conny K. Dover, as a public member of the County Employees' Retirement Fund Board of Directors;

Also,

Martha A. Gragg, as a member of the Missouri Board for Respiratory Care;

Also,

Randy D. Mooney, as a member of the State Milk Board;

Also,

David K. Tan, M.D., as a member of the State Advisory Council on Emergency Medical Services;

Also,

Gary K. Sobocinski, as a member of the Missouri Board of Pharmacy.

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.

President Pro Tem Kinder assumed the Chair.

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 1234**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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 **SJR 40**, begs leave to report that it has considered the same and recommends that the joint resolution do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organization, Veterans' Affairs and Elections, to which was referred **SB 817**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Steelman, Chairman of the Committee on Commerce and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce and the Environment, to which was referred **SB 1124**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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 1128**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SJR 24**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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 was referred **SB 1370**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SJR 41**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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 898**, entitled:

An Act to amend chapter 196, RSMo, by adding thereto six new sections relating to the prescription drug repository program.

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 1014**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2004.

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 adopted **SCS** for **SCR 41**.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Sherry, Drew and Demi Granger, and Austin Hansford, Neosho; and Drew, Demi and Austin were made honorary pages.

Senator Bartle introduced to the Senate, his wife Annette, and their children, Mack and Betsy, Lee's Summit; and Mack and Betsy were made honorary pages.

Senator Loudon introduced to the Senate, his daughter Lyda Lindsey Loudon, Ballwin; and Lyda was made an honorary page.

Senator Russell introduced to the Senate, Meggan Capps, Lebanon.

Senator Kinder introduced to the Senate, fourth grade students from Cape Christian School, Cape Girardeau.

Senator Clemens introduced to the Senate, Larry Smith and Reggie Johnson, Ava.

Senator Goode introduced to the Senate, students from Brown Elementary School, St. Louis County.

Senator Gibbons introduced to the Senate, Alex Ricke, Kirkwood.

Senator Yeckel introduced to the Senate, Jane Hake and fourth grade students from Truman Elementary School, St. Louis County.

Senator Shields introduced to the Senate, the Physician of the Day, Dr. James D. Humphrey, M.D., Mound City.

On motion of Senator Gibbons, the Senate adjourned until 3:00 p.m., Monday, March 15, 2004.

SENATE CALENDAR

THIRTY-EIGHTH DAY—MONDAY, MARCH 15, 2004

FORMAL CALENDAR

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
HB 1149-May, et al
HCS for HB 1198

HCS for HB 833
HB 938-Luetkemeyer
HCS for HB 947
HB 975-Johnson (47), et al
HCS for HBs 998 & 905
HB 1047-Guest and Bivins
HB 1275-Wilson (130), et al
HCS for HB 1209
HB 801-Smith (118)
HCS for HB 898
HCS for HB 1014

THIRD READING OF SENATE BILLS

SS for SS for SB 718-Yeckel, et al
(In Fiscal Oversight)

SCS for SBs 1020, 889 & 869-Steelman, et al
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SB 1232-Clemens, et al, with SCS
SB 1081-Kinder, et al, with SCS
SB 1141-Loudon, with SCS
SB 960-Gibbons, with SCS
SBs 1233, 840 & 1043-Dolan, with SCS
SB 710-Goode and Bray, with SCS
SB 1220-Caskey, with SCS
SBs 738 & 790-Loudon, with SCS
SB 1371-Kinder, et al, with SCS

SB 1234-Mathewson and Childers, with SCS
SJR 40-Stoll
SB 817-Kennedy and Griesheimer, with SCS
SB 1124-Goode and Steelman, with SCS
SB 1128-Cauthorn, with SCS
SJR 24-Caskey and Bartle, with SCS
SB 1370-Nodler
SJR 41-Kinder, et al, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 1182, with SCS (Klindt)

HB 969-Cooper, et al (Bartle)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 1123-Gibbons, et al

SENATE BILLS FOR PERFECTION

SB 755-Shields, with SCS

SB 809-Klindt, with SCS (pending)

SB 856-Loudon, with SCS

SB 933-Yeckel, et al

SB 989-Gross, et al, with SCS (pending)

SB 990-Loudon, with SCS

SBs 1069, 1068, 1025, 1005 & 1089-Gross and
Griesheimer, with SCS

SB 1122-Shields, with SCS & SS for SCS (pending)

SB 1138-Bartle

SB 1180-Shields and Kinder, with SCS

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 741-Klindt

SB 1093-Gibbons and Yeckel, with SCS

SB 799-Steelman, with SCS

Reported 2/23

SB 1044-Shields, 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 1188-Loudon, 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 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

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