

Journal of the Senate

SECOND REGULAR SESSION

SECOND DAY—THURSDAY, JANUARY 8, 2004

The Senate met pursuant to adjournment.

Senator Shields in the Chair.

Reverend Carl Gauck offered the following prayer:

“Those of steadfast mind you keep in peace - in peace because they trust you.” (Isaiah 26:3)

Lord God, we know that those who have experienced Your love have learned to trust in You. Help us all to have such trust that we may know Your peace through these days of challenge and change, for Lord, we know, we will need it. 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	Foster
Gibbons	Goode	Griesheimer	Gross
Jacob	Kennedy	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Stoll	Vogel	Wheeler	Yeckel—32

Absent with leave—Senators

Dolan Dougherty—2

RESOLUTIONS

Senator Gross offered Senate Resolution No. 1078, regarding Marcella W. Boerding, St. Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 1079, regarding the Ninetieth Birthday of Vesta Pruitt, Saint Louis, which was adopted.

Senator Gibbons offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 1080

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to have placed in the Post Office of the Senate, or delivered each day to such other address as may be designated, Missouri newspapers for each Senator and each elected officer of the Senate, such papers to be designated by the Senator or officer, and the expenses of same to be paid out of the contingent fund of the Senate.

INTRODUCTION OF BILLS

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

SB 1015—By Kennedy.

An Act to amend chapters 488 and 589, RSMo, by adding thereto two new sections relating to creation of the gang resistance education and training program and the show-me students with character initiative.

SB 1016—By Champion, Coleman and Steelman.

An Act to repeal sections 610.010, 610.020, 610.023, and 610.026, RSMo, and to enact in lieu thereof four new sections relating to electronic public meetings and records.

SB 1017—By Champion.

An Act to amend chapter 574, RSMo, by adding thereto one new section relating to obeying the lawful order of a law enforcement officer.

SB 1018—By Champion.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to children placed in the protective custody of the children's division.

SB 1019—By Steelman.

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to guardian ad litem fees.

SB 1020—By Steelman and Kinder.

An Act to repeal sections 610.010, 610.020, 610.021, 610.022, 610.026, 610.027, 610.029, 610.100, and 610.200, RSMo, and to enact in lieu thereof nine new sections relating to public records.

SB 1021—By Steelman.

An Act to repeal section 168.500, RSMo, and to enact in lieu thereof one new section relating to the career ladder placement of speech pathologists.

SB 1022—By Gross.

An Act to repeal section 660.520, RSMo, and to enact in lieu thereof one new section relating to child pornography.

SB 1023—By Griesheimer.

An Act to amend chapter 578, RSMo, by adding thereto one new section relating to the criminal use of audiovisual recording devices, with penalty provisions.

SB 1024—By Stoll.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to mechanical codes.

SB 1025—By Griesheimer and Steelman.

An Act to repeal section 392.200, RSMo, and to enact in lieu thereof one new section relating to telecommunications services.

CONCURRENT RESOLUTIONS

Senators Stoll, Nodler, Caskey and Scott offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 25

WHEREAS, the Government Pension Offset (GPO) and Windfall Elimination Provision (WEP) of the federal Social Security Act penalize people who have dedicated their lives to public service by taking away benefits they have earned; and

WHEREAS, nine out of ten public employees affected by the GPO lose their entire spousal benefit, even though their spouse paid Social Security taxes for many years; and

WHEREAS, the WEP causes hard-working people to lose up to sixty percent of the benefits they earned themselves; and

WHEREAS, many workers rely on misleading Social Security Administration statements that fail to take into account the GPO and WEP when projecting benefits; and

WHEREAS, the impact of the GPO and WEP is not just felt in those states in which public employees, including educators, are not covered by Social Security, because people move from state to state and affected individuals are everywhere; and

WHEREAS, the GPO and WEP apply to all vested members of the Public School Retirement System of Missouri; and

WHEREAS, the number of people affected across the country is growing every day as more and more people reach retirement age; and

WHEREAS, some 300,000 individuals lose an average of \$3,600 a year due to the GPO; and

WHEREAS, this amount can make the difference between self-sufficiency and poverty; and

WHEREAS, these people have less money to spend in their local economy and sometimes have to turn to expensive government programs like food stamps to make ends meet; and

WHEREAS, during a national teacher shortage, the GPO and WEP discourage people from entering and staying in the teaching profession, since doing so will mean a loss of earned Social Security benefits; and

WHEREAS, the GPO and WEP are also causing current educators to leave the profession and students to choose courses of study other than education; and

WHEREAS, non-Social Security states are finding it increasingly difficult to attract quality educators as more people learn about the GPO and WEP; and

WHEREAS, the nation should respect, not penalize, public service; and

WHEREAS, the GPO and WEP are established in federal law and repeal of the GPO and WEP can only be enacted by the United States Congress:

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 urge the Congress of the United States to immediately repeal the Government Pension Offset and Windfall Elimination Provision of the Social Security Act; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States Senate, the Speaker of the United States House of Representatives and the members of the Missouri Congressional delegation.

REFERRALS

President Pro Tem Kinder referred **SCR 22**, **SCR 23** and **SCR 24** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

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

SB 700—Economic Development, Tourism and Local Government.

SB 701—Small Business, Insurance and Industrial Relations.

SB 703—Judiciary and Civil and Criminal Jurisprudence.

SB 704—Judiciary and Civil and Criminal Jurisprudence.

SB 705—Small Business, Insurance and Industrial Relations.

SB 706—Judiciary and Civil and Criminal Jurisprudence.

SB 707—Ways and Means.

SB 709—Ways and Means.

SB 710—Transportation.

SB 712—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 713—Judiciary and Civil and Criminal Jurisprudence.

SB 714—Pensions and General Laws.

SB 715—Economic Development, Tourism and Local Government.

SB 717—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 718—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 719—Small Business, Insurance and Industrial Relations.

SB 720—Ways and Means.

SB 721—Ways and Means.

SB 722—Small Business, Insurance and Industrial Relations.

SB 723—Education.

SB 724—Education.

SB 725—Judiciary and Civil and Criminal Jurisprudence.

SB 726—Judiciary and Civil and Criminal Jurisprudence.

SB 727—Judiciary and Civil and Criminal Jurisprudence.

SB 728—Ways and Means.

SB 730—Ways and Means.

SB 731—Transportation.

SB 732—Agriculture, Conservation, Parks and Natural Resources.

SB 733—Education.

SB 734—Small Business, Insurance and Industrial Relations.

SB 735—Agriculture, Conservation, Parks and Natural Resources.

SB 736—Small Business, Insurance and Industrial Relations.

SB 737—Small Business, Insurance and Industrial Relations.

SB 738—Judiciary and Civil and Criminal Jurisprudence.

SB 739—Agriculture, Conservation, Parks and Natural Resources.

SB 740—Agriculture, Conservation, Parks and Natural Resources.

SB 741—Agriculture, Conservation, Parks and Natural Resources.

SB 742—Small Business, Insurance and Industrial Relations.

SB 743—Small Business, Insurance and Industrial Relations.

SB 744—Transportation.

SB 745—Aging, Families, Mental and Public Health.

SB 747—Small Business, Insurance and Industrial Relations.

SB 748—Transportation.

SB 749—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 750—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 752—Judiciary and Civil and Criminal Jurisprudence.

SB 754—Ways and Means.

SB 755—Pensions and General Laws.

SB 756—Ways and Means.

SB 757—Transportation.

SB 758—Economic Development, Tourism and Local Government.

SB 759—Commerce and the Environment.

SB 760—Transportation.

SB 761—Pensions and General Laws.

SB 762—Aging, Families, Mental and Public Health.

SB 763—Aging, Families, Mental and Public Health.

SB 764—Education.

SB 765—Judiciary and Civil and Criminal Jurisprudence.

SB 766—Transportation.

SB 767—Transportation.

SB 768—Education.

SB 769—Economic Development, Tourism and Local Government.

SB 770—Transportation.

SB 771—Transportation.

SB 772—Transportation.

SB 773—Small Business, Insurance and Industrial Relations.

SB 775—Aging, Families, Mental and Public Health.

SB 776—Aging, Families, Mental and Public Health.

SB 777—Ways and Means.

SB 778—Ways and Means.

SB 779—Commerce and the Environment.

SB 780—Education.

SB 781—Judiciary and Civil and Criminal Jurisprudence.

SB 782—Economic Development, Tourism and Local Government.

SB 783—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 784—Economic Development, Tourism and Local Government.

SB 785—Agriculture, Conservation, Parks and Natural Resources.

SB 786—Commerce and the Environment.

SB 789—Economic Development, Tourism and Local Government.

SB 791—Ways and Means.

SB 792—Ways and Means.

SB 793—Judiciary and Civil and Criminal Jurisprudence.

SB 794—Ways and Means.

SB 795—Small Business, Insurance and Industrial Relations.

SB 796—Education.

SB 797—Ways and Means.

SB 798—Transportation.

SB 799—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 800—Financial and Governmental Organization, Veterans' Affairs and Elections.

SB 802—Judiciary and Civil and Criminal Jurisprudence.

COMMUNICATIONS

President Pro Tem Kinder submitted the following hearing schedule:

SENATE HEARING SCHEDULE
92nd GENERAL ASSEMBLY
SECOND REGULAR SESSION
JANUARY 8, 2004

	Monday	Tuesday	Wednesday	Thursday
8:30 a.m.		Commerce & the Environment SL (Steelman) Transportation SCR 1 (Dolan)	Aging, Families, Mental & Public Health SCR 1 (Shields)	Rules, Jt. Rules, Resolutions and Ethics SL (Gibbons)
9:00 a.m.			Gubernatorial Appointments SL (Kinder)	Agriculture, Conservation, Parks & Natural Resources SCR 1 (Klindt)
11:00 a.m.	Financial & Governmental Organization, Veterans' Affairs and Elections SL (Yeckel) Governmental Accountability & Fiscal Oversight SCR 1 (Cauthorn)			
2:00 p.m.		Education SCR 1 (Foster)	Small Business, Insurance & Industrial Relations SCR 1 (Loudon)	
3:00 p.m.		Pensions & General Laws SL (Scott)	Economic Development, Tourism & Local Government SL (Childers)	
5:00 p.m.		Ways and Means SL (Vogel)		
7:00 p.m.	Appropriations SCR 2 (Russell) Judiciary & Civil & Criminal Jurisprudence SL (Bartle)	Appropriations SCR 2 (Russell)	Appropriations SCR 2 (Russell)	

SL - Senate Lounge
SCR 1 - Senate Committee Rm. 1, Room 118
SCR 2 - Senate Committee Rm. 2, Room 119

INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Joshua Babb, Neosho.

Senator Clemens introduced to the Senate, Brad Risby, Springfield; and Gus Wagner, Villa Ridge.

Senator Yeckel introduced to the Senate, Jessica Jones, Kirksville.

Senator Caskey introduced to the Senate, Anjee Wilson, Holt's Summit.

On motion of Senator Gibbons, the Senate adjourned until 4:00 p.m., Monday, January 12, 2004.

SENATE CALENDAR

THIRD DAY-MONDAY, JANUARY 12, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

- | | |
|--------------------------------|---------------------------|
| SB 702-Russell | SB 820-Coleman |
| SB 708-Mathewson | SB 821-Shields |
| SB 711-Goode | SB 822-Shields and Yeckel |
| SB 716-Childers | SB 823-Shields |
| SB 729-Steelman | SB 824-Griesheimer |
| SB 746-Dougherty, et al | SB 825-Griesheimer |
| SB 751-Coleman | SB 826-Bartle |
| SB 753-Coleman | SB 827-Bartle |
| SB 774-Wheeler | SB 828-Bartle |
| SB 787-Childers | SB 829-Bray |
| SB 788-Childers | SB 830-Bray |
| SB 790-Yeckel | SB 831-Bray |
| SB 801-Gross | SB 832-Wheeler |
| SB 803-Gross | SB 833-Russell |
| SB 804-Foster | SB 834-Russell |
| SB 805-Loudon | SB 835-Caskey |
| SB 806-Loudon | SB 836-Caskey |
| SB 807-Loudon | SB 837-Caskey |
| SB 808-Klindt | SB 838-Goode, et al |
| SB 809-Klindt | SB 839-Goode |
| SB 810-Klindt | SB 840-Goode |
| SB 811-Cauthorn | SB 841-Childers |
| SB 812-Cauthorn | SB 842-Childers |
| SB 813-Cauthorn | SB 843-Childers |
| SB 814-Dougherty, et al | SB 844-Yeckel |
| SB 815-Dougherty and Kennedy | SB 845-Yeckel |
| SB 816-Dougherty, et al | SB 846-Yeckel |
| SB 817-Kennedy and Griesheimer | SB 847-Bland |
| SB 818-Coleman | SB 848-Bland |
| SB 819-Coleman | SB 849-Bland |

SB 850-Steelman	SB 891-Bland
SB 851-Gross	SB 892-Bland
SB 852-Gross	SB 893-Goode
SB 853-Gross	SB 894-Goode
SB 854-Loudon	SB 895-Goode
SB 855-Loudon	SB 896-Bland
SB 856-Loudon	SB 897-Bland
SB 857-Klindt	SB 898-Bland
SB 858-Klindt	SB 899-Goode
SB 859-Klindt	SB 900-Goode
SB 860-Cauthorn	SB 901-Goode
SB 861-Cauthorn	SB 902-Bland
SB 862-Cauthorn	SB 903-Bland
SB 863-Dougherty	SB 904-Gross and Nodler
SB 864-Dougherty	SB 905-Foster
SB 865-Dougherty and Kennedy	SB 906-Foster
SB 866-Coleman	SB 907-Klindt
SB 867-Coleman	SB 908-Cauthorn
SB 868-Shields	SB 909-Bartle
SB 869-Shields	SB 910-Bland
SB 870-Bartle	SB 911-Bland
SB 871-Bray	SB 912-Dougherty and Days
SB 872-Bray	SB 913-Dougherty and Bray
SB 873-Bray	SB 914-Dougherty and Russell
SB 874-Caskey	SB 915-Dougherty, et al
SB 875-Caskey and Childers	SB 916-Dougherty
SB 876-Goode	SB 917-Dougherty and Bray
SB 877-Goode and Days	SB 918-Dougherty, et al
SB 878-Goode, et al	SB 919-Gibbons and Stoll
SB 879-Bland	SB 920-Caskey
SB 880-Bland	SB 921-Caskey
SB 881-Bland	SB 922-Coleman
SB 882-Klindt	SB 923-Goode
SB 883-Klindt	SB 924-Bland
SB 884-Klindt	SB 925-Bland
SB 885-Cauthorn	SB 926-Loudon
SB 886-Cauthorn and Klindt	SB 927-Loudon
SB 887-Goode	SB 928-Loudon
SB 888-Goode	SB 929-Wheeler
SB 889-Goode	SB 930-Loudon
SB 890-Bland	SB 931-Loudon

SB 932-Loudon	SB 973-Stoll
SB 933-Yeckel, et al	SB 974-Dougherty
SB 934-Bland	SB 975-Dougherty
SB 935-Gibbons	SB 976-Stoll
SB 937-Gross	SB 977-Stoll
SB 938-Gross	SB 978-Stoll
SB 939-Coleman	SB 979-Stoll
SB 940-Coleman	SB 980-Bartle
SB 941-Coleman	SB 981-Vogel
SB 942-Nodler	SB 982-Coleman
SB 943-Goode and Gross	SB 983-Quick
SB 944-Goode	SB 984-Foster
SB 945-Gibbons	SB 985-Foster
SB 946-Bray, et al	SB 986-Cauthorn
SB 947-Russell	SB 987-Quick
SB 948-Steelman	SB 988-Steelman
SB 949-Steelman	SB 989-Gross, et al
SB 950-Griesheimer	SB 990-Loudon
SB 951-Griesheimer	SB 991-Dougherty
SB 952-Wheeler	SB 992-Cauthorn
SB 953-Caskey	SB 993-Cauthorn
SB 954-Foster	SB 994-Coleman
SB 955-Scott	SB 995-Coleman
SB 956-Scott	SB 996-Shields
SB 957-Scott	SB 997-Shields
SB 958-Scott	SB 998-Shields
SB 959-Childers	SB 999-Griesheimer
SB 960-Gibbons	SB 1000-Bartle
SB 961-Champion	SB 1001-Wheeler
SB 962-Clemens	SB 1002-Bray
SB 963-Shields	SB 1003-Gibbons, et al
SB 964-Shields	SB 1004-Shields
SB 965-Shields	SB 1005-Shields and Stoll
SB 966-Shields	SB 1006-Goode, et al
SB 967-Shields	SB 1007-Goode and Mathewson
SB 968-Shields	SB 1008-Goode
SB 969-Shields	SB 1009-Griesheimer
SB 970-Childers	SB 1010-Dougherty, et al
SB 971-Stoll	SB 1011-Dougherty
SB 972-Stoll	

SB 1012-Caskey	SJR 26-Yeckel
SB 1013-Stoll	SJR 27-Jacob
SB 1014-Yeckel	SJR 28-Jacob
SB 1015-Kennedy	SJR 29-Steelman, et al
SB 1016-Champion	SJR 30-Gross
SB 1017-Champion	SJR 31-Loudon
SB 1018-Champion	SJR 32-Cauthorn
SB 1019-Steelman	SJR 33-Coleman
SB 1020-Steelman and Kinder	SJR 34-Bartle
SB 1021-Steelman	SJR 35-Bland
SB 1022-Gross	SJR 36-Foster
SB 1023-Griesheimer	SJR 37-Scott
SB 1024-Stoll	SJR 38-Scott
SB 1025-Griesheimer and Steelman	SJR 39-Foster
SJR 24-Caskey	SJR 40-Stoll
SJR 25-Yeckel	

Unofficial

RESOLUTIONS

HCR 1-Crowell (Gibbons)	HCR 3-Crowell (Gibbons)
HCR 2-Crowell (Gibbons)	

Journal

To be Referred

SCR 25-Stoll, et al

T

Copy