

Journal of the Senate

SECOND REGULAR SESSION

TWENTIETH DAY—WEDNESDAY, FEBRUARY 11, 2004

The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“O Lord, do your eyes not look for truth?” (Jeremiah 5:3)

Loving Father, as we go through our hearings and write our legislation, let us have eyes to see the truth that will help us know what is right and proper for us to do and be of help to our people. 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 Russell offered Senate Resolution No. 1287, regarding Lester “Bud” Capps, Camdenton, which was adopted.

Senator Russell offered Senate Resolution No. 1288, regarding David W. Hitsman, which was adopted.

Senator Clemens offered Senate Resolution No. 1289, regarding Willis Case, Marshfield, which was adopted.

Senator Steelman offered Senate Resolution No. 1290, regarding Michael McClanahan, Rolla, which was adopted.

Senator Childers offered Senate Resolution No. 1291, regarding Robert Henry Sieg, Blue Eye, which was adopted.

Senator Kennedy offered Senate Resolution No. 1292, regarding Kenneth J. Clark, DeSoto,

which was adopted.

Senator Foster offered Senate Resolution No. 1293, regarding Britt William Reick, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1294, regarding Shawn Thomas Pietrofere, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1295, regarding Matthew John Pietrofere, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1296, regarding Keith Brendan McCoy, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1297, regarding John Paul McCoy, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1298, regarding Brandon Riley Hall, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1299, regarding Tanner Franklin French, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1300, regarding Louis Anthony Dancer, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1301, regarding Trent Weston Carihfield, Poplar Bluff, which was adopted.

Senator Foster offered Senate Resolution No. 1302, regarding Brian Richardson, Poplar Bluff, which was adopted.

Senator Yeckel offered Senate Resolution No. 1303, regarding Kevin Duniven, St. Louis, which was adopted.

Senator Yeckel offered Senate Resolution No. 1304, regarding Jessica Aronoff, St. Louis, which was adopted.

SENATE BILLS FOR PERFECTION

At the request of Senator Loudon, **SB 990**, with **SCS**, was placed on the Informal Calendar.

SB 730, with **SCS**, was placed on the Informal Calendar.

Senator Dolan moved that **SB 1144**, **SB 919** and **SB 874**, with **SCS**, be taken up for perfection, 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.

Senator Dolan moved that **SCS** for **SBs 1144, 919** and **874** be adopted, which motion prevailed.

On motion of Senator Dolan, **SCS** for **SBs 1144, 919** and **874** was declared perfected and ordered printed.

Senator Gross moved that **SB 732** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Gross offered **SS** for **SB 732**, 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.

Senator Gross moved that **SS** for **SB 732** be adopted, which motion prevailed.

On motion of Senator Gross, **SS** for **SB 732** was declared perfected and ordered printed.

President Pro Tem Kinder assumed the Chair.

SIGNING OF CONCURRENT RESOLUTIONS

The President Pro Tem announced that all other business would be suspended and **HCR 5**, having passed both branches of the General Assembly, would be read at length by the Secretary and, if no objections be made, be signed to the end that it shall have the full force and effect of law. No objections being made, the concurrent resolution was read by the Secretary and signed by the President Pro Tem.

SENATE BILLS FOR PERFECTION

SB 1020, **SB 889** and **SB 869**, with **SCS**, were placed on the Informal Calendar.

SB 718 was placed on the Informal Calendar.

SB 1080 was placed on the Informal Calendar.

Senator Gibbons moved that **SB 1099**, with **SCS**, be taken up for perfection, which motion prevailed.

Senator Nodler assumed the Chair.

SCS for **SB 1099**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1099

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

Was taken up.

Senator Gibbons moved that **SCS** for **SB 1099** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 1099, Pages 15-16, Section 135.820, Lines 1-12, by deleting all of said section; and

Further amend the title and enacting clause accordingly.

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

Senator Bartle assumed the Chair.

At the request of Senator Gibbons, **SB 1099**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

RESOLUTIONS

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

SENATE RESOLUTION NO. 1305

WHEREAS, it is with special pleasure that the members of the Missouri Senate pause to recognize a remarkable educator who has distinguished himself as an "Outstanding Missourian"; and

WHEREAS, Willis Case, an esteemed resident of Marshfield, Missouri, will be honored for his contributions to the Marshfield community as he meets with state legislators in the Missouri Senate on February 11, 2004; and

WHEREAS, Willis Case has derived a tremendous amount of satisfaction from the sixty-three years he has spent working as an auctioneer, a position through which he has earned the praise and respect of his fellow citizens for his unparalleled experience and incredible commitment to fair dealing; and

WHEREAS, a proud recipient of the Marshfieldian of the Year award, Willis Case has compiled an enviable list of service to such important community organizations as the Lions Club, Webco Nursing Home Board, and the Marshfield R-I School District Board; and

WHEREAS, Willis Case shared seventy-two years of wedded success and happiness with his beloved Ruby E. Hoover Case, a kind and loving woman who enjoyed every moment of his company until her passing from this world on July 5, 2003; and

WHEREAS, now ninety-four years young, Willis Case faces the beginning of each day with renewed hope and happiness and continues to lead a good life, sharing his experiences and exciting stories of times gone by with his four wonderful children, Paula S. Greer, Linda Curwood, J. Mac Case, and Hoover Case:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-second General Assembly, unanimously join in extending our most hearty and robust congratulations to Willis Case as he is formally recognized as an

“Outstanding Missourian” in the Senate Chamber, and in wishing him only the very best of success as he continues to serve as an inspiration to all those who know and love him; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for “Outstanding Missourian” Willis Case.

Senator Bland offered Senate Resolution No. 1306, regarding the One Hundredth Birthday of Winnie Robertson Bankston, Kansas City, which was adopted.

Senator Bland offered Senate Resolution No. 1307, regarding the One Hundredth Birthday of Georgia Talton Williams, Kansas City, which was adopted.

INTRODUCTION OF BILLS

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

SB 1240—By Griesheimer.

An Act to repeal section 488.429, RSMo, and to enact in lieu thereof one new section relating to law library funds.

SB 1241—By Yeckel.

An Act to repeal sections 160.400, 160.405, 160.410, 160.415, 160.420, and 167.349, RSMo, and to enact in lieu thereof seven new sections relating to charter schools.

SB 1242—By Wheeler.

An Act to repeal sections 169.270, 169.291, 169.295, and 169.322, RSMo, and to enact in lieu thereof four new sections relating to the Kansas City public school retirement system.

SB 1243—By Wheeler.

An Act to repeal section 475.275, RSMo, and to enact in lieu thereof one new section relating to verification of securities held by conservator.

SJR 47—By Cauthorn.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing

section 43(a) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the conservation sales tax.

REPORTS OF STANDING COMMITTEES

Senator Vogel, Chairman of the Committee on Ways and Means, requested unanimous consent of the Senate to correct the committee report on **SB 754** by submitting the correct Senate Committee Substitute, which request was granted.

SECOND READING OF SENATE BILLS

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

SB 787—Financial and Governmental Organization, Veterans’ Affairs and Elections.

SB 877—Economic Development, Tourism and Local Government.

INTRODUCTIONS OF GUESTS

Senator Callahan introduced to the Senate, students and educators from Academic Lafayette School, Kansas City.

Senator Coleman introduced to the Senate, Richard and Mary Clemens, St. Louis.

Senator Cauthorn introduced to the Senate, Shelby and Donald Schmitz, Paige and Joe Dimmitt, Hillary and Pat Greenwell, Shelbina Youth Ambassadors, Shelbina; and Shelby, Paige and Hillary were made honorary pages.

Senator Childers introduced to the Senate, Dental Hygienists from the Twenty-Ninth Senatorial District.

On behalf of Senator Nodler, the President introduced to the Senate, Erica Little, Amanda Henderson, Lisa Wright, Kristi Barone, Christina Burris, Haley Coleman, Nicole Girth, and Chandelle Jordan, Dental Hygienist Students from Joplin.

Senator Loudon introduced to the Senate, the

Physician of the Day, Dr. Michael F. Burns, M.D., Town and Country.

Senator Yeckel introduced to the Senate, students, parents and educators, representatives of Charter Public Schools Capitol Day, from Kansas City and St. Louis.

Senator Yeckel introduced to the Senate, Audra Eisenbeis, Karen Reiner, and Patt Lepp, St. Louis County.

Senator Days introduced to the Senate, Andriette Fields, Elaine Flipping, Gale Hardeman, Cherly Cole Young, Wendy Harris, Marian Evans Walton, Shira Truitt, Vera Atkinson, Hazel Henderson, Kimberly Beek, Adrienne Gaines, Joan Hubbard, Jasmine Hall, Myra Drummond-Lewis, Monica Billinger and Ouida Tolbert, members of Alpha Kappa Alpha Sorority from St. Louis, Kansas City, Columbia and Jefferson City.

Senator Kinder introduced to the Senate, Lt. John R. Davis, Cape Girardeau.

Senator Kinder introduced to the Senate, Jeffrey W. Runge, M.D., Washington, D.C.

Senator Bland introduced to the Senate, Ailey Coe, Jay Coburn, Max Goodwin, and Harry Keegan, Kansas City.

Senator Kennedy introduced to the Senate, Deana Habel, Stacy Schneider, and Edo Sadikovic, St. Louis.

Senator Scott introduced to the Senate, John, Julie, Geana, and Jeffrey Gordeuk, Lyndon, Kansas; and John and Julie were made honorary pages.

Senator Griesheimer introduced to the Senate, Blake Heath, East Prairie.

Senator Clemens introduced to the Senate, Willis Case, Hoover and Susan Case, Mac and Karen Case, Paula and Talt Greer, Doug Greer, Georgia, Susan and Bethany McCall, Tina Loftus, Marta Fraker, Bradley Loftus and Mike Cullinan, Marshfield.

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

SENATE CALENDAR

TWENTY-FIRST DAY—THURSDAY, FEBRUARY 12, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1156-Caskey
SB 1190-Caskey
SB 1236-Kennedy, et al
SB 1237-Bartle
SB 1238-Days and Bray
SB 1239-Callahan
SB 1240-Griesheimer

SB 1241-Yeckel
SB 1242-Wheeler
SB 1243-Wheeler
SJR 43-Klindt
SJR 46-Bartle
SJR 47-Cauthorn

THIRD READING OF SENATE BILLS

SS for SB 1000-Bartle
(In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

SJR 44-Dolan, with SCS

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 730-Gross and Champion, with SCS
SB 990-Loudon, with SCS

SBs 1020, 889 & 869-Steelman,
et al, with SCS
SB 1080-Nodler, et al
SB 1099-Gibbons, et al, with SCS (pending)

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CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 980-Bartle, with SCS

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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 886-Cauthorn and Klindt

SB 808-Klindt
SB 741-Klindt
SB 1100-Gibbons and Gross, with SCS
SB 1052-Jacob
SB 703-Caskey
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

SB 754-Vogel, with SCS

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