

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-SEVENTH DAY—TUESDAY, FEBRUARY 24, 2004

The Senate met pursuant to adjournment.

Senator Clemens in the Chair.

Reverend Carl Gauck offered the following prayer:

Psychologist William James recommended that every person perform an unpleasant task daily just to “keep in moral trim.”

Gracious God, empower us with the ability to face again unpleasant tasks, knowing that what we do is our duty and responsibility as You have called each here to serve the people of Missouri. And we continue to pray for our service men and women who face many unpleasant tasks in Iraq as they see comrades dying each day. Comfort and bless them and gather them to Your bosom. Grant us all Your peace. 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 KY3-Springfield and KMIZ-TV 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 Vogel offered Senate Resolution No. 1388, regarding Justin Tyler Remmert, Jefferson City, which was adopted.

Senator Gibbons offered Senate Resolution No. 1389, regarding George William Jinkerson, VII, Fenton, which was adopted.

Senator Vogel offered Senate Resolution No. 1390, regarding the 2003 Helias High School Lady Crusaders State Championship softball team, Jefferson City, which was adopted.

Senator Caskey offered Senate Resolution No. 1391, regarding Kyle Anthony Singleton, Raymore, which was adopted.

INTRODUCTION OF BILLS

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

SB 1290—By Steelman.

An Act to repeal section 67.1360, RSMo, and to enact in lieu thereof one new section relating to transient guest taxes.

SB 1291—By Days, Kennedy, Stoll, Coleman and Dougherty.

An Act to amend chapter 103, RSMo, by adding thereto two new sections relating to the health plan for state employees, with an emergency clause.

SB 1292—By Bray, Kennedy, Stoll, Coleman, Dougherty and Days.

An Act to amend chapters 42 and 630, RSMo, by adding thereto ten new sections relating to the safe staffing and quality care accountability act.

SB 1293—By Bray, Kennedy, Stoll, Coleman and Days.

An Act to repeal sections 287.141, 287.148, 287.149, 287.160, 287.170, 287.180, and 287.780, RSMo, and to enact in lieu thereof seven new sections relating to workers' compensation benefits.

REPORTS OF STANDING COMMITTEES

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 **SCS** for **SB 1038**, 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.

REFERRALS

President Pro Tem Kinder referred **SCS** for **SB 969** to the Committee on Governmental Accountability and Fiscal Oversight.

SECOND READING OF CONCURRENT RESOLUTIONS

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

SCR 38—Rules, Joint Rules, Resolutions and Ethics.

SCR 39—Rules, Joint Rules, Resolutions and Ethics.

SCR 40—Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Kinder referred **SCR 41** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 730**, introduced by Senator Gross, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 730

An Act to amend chapter 137, RSMo, by adding thereto twenty-seven new sections relating to a homestead exemption for the elderly, with an effective date and sunset provisions.

Was taken up.

On motion of Senator Gross, **SS** for **SCS** for **SB 730** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators

Coleman Mathewson Stoll—3

Absent with leave—Senators—None

The President declared the bill passed.

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

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

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

SB 1080, introduced by Senator Nodler, et al, entitled:

An Act to repeal sections 160.518, 160.538 and 160.720, RSMo, and to enact in lieu thereof two new sections relating to education accountability standards.

Was taken up by Senator Nodler.

On motion of Senator Nodler, **SB 1080** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Caskey—1

Absent—Senators

Coleman Goode Stoll—3

Absent with leave—Senators—None

The President declared the bill passed.

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

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

Senator Gibbons moved that motion lay on the

table, which motion prevailed.

SCS for **SJR 44**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE JOINT RESOLUTION NO. 44

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 30(b) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to transportation.

Was taken up by Senator Dolan.

On motion of Senator Dolan, **SCS** for **SJR 44** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Caskey	Cauthorn
Champion	Childers	Clemens	Coleman
Dolan	Gibbons	Griesheimer	Gross
Kennedy	Kinder	Klindt	Loudon
Mathewson	Nodler	Scott	Shields
Steelman	Stoll	Vogel	Yeckel—24

NAYS—Senators

Bray	Days	Dougherty	Goode
Quick	Russell	Wheeler—7	

Absent—Senators

Bland Foster Jacob—3

Absent with leave—Senators—None

The President declared the joint resolution passed.

On motion of Senator Dolan, title to the joint resolution was agreed to.

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

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

SS for **SCS** for **SB 1099**, introduced by Senator Gibbons, entitled:

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

An Act to repeal sections 21.810, 32.057,

620.014, 620.017, and 620.1300, RSMo, and to enact in lieu thereof fourteen new sections relating to tax credits, with penalty provisions.

Was taken up.

On motion of Senator Gibbons, **SS** for **SCS** for **SB 1099** 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	Vogel	Wheeler
Yeckel—33			

NAYS—Senators—None

Absent—Senator Stoll—1

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

SENATE BILLS FOR PERFECTION

Senator Steelman moved that **SJR 29** be taken up for perfection, which motion prevailed.

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

SENATE AMENDMENT NO. 1

Amend Senate Joint Resolution No. 29, Page 1, Section A, Line 2, by striking “32” and inserting in lieu thereof the following: “**33**”; and

Further amend section 32 by striking “32” and inserting in lieu thereof the following: “**33**”; and

Further amend the title and enacting clause accordingly.

Senate Steelman moved that the above amendment be adopted.

At the request of Senator Steelman, **SJR 29**, with **SA 1** (pending), was placed on the Informal Calendar.

President Pro Tem Kinder assumed the Chair.

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 700**, 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 989**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On behalf of Senator Klindt, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, Senator Gibbons submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which were referred **SB 740**, **SB 886** and **SB 1178**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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 755**, begs leave to report that it has considered the same

and recommends that the Senate Committee Substitute, hereto attached, do pass.

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 1122**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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 **HB 916**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

REFERRALS

President Pro Tem Kinder referred **SCS** for **SB 1038** to the Committee on Governmental Accountability and Fiscal Oversight.

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

RECESS

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

Photographers from the Associated Press, KOMU-TV, The Chart, MSSU-Joplin and KRCG-TV were given permission to take pictures in the Senate Chamber today.

SENATE BILLS FOR PERFECTION

Senator Steelman moved that **SJR 29**, with **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

Senator Steelman moved that the above

amendment be adopted, which motion prevailed.

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

SENATE AMENDMENT NO. 2

Amend Senate Joint Resolution No. 29, Page 1, Section 32, Line 2, by inserting immediately after said line: **“only adultery shall be cause for the dissolution of marriage”**.

Senator Caskey moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Coleman, Mathewson, Quick and Russell.

Senator Nodler assumed the Chair.

At the request of Senator Caskey, **SA 2** was withdrawn.

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

SENATE AMENDMENT NO. 3

Amend Senate Joint Resolution No. 29, Page 1, Section 32, Line 2, by inserting immediately after the word **“woman”** the following: **“, but this shall not justify civil unions as may be adopted by another state of the United States.”**.

Senator Jacob moved that the above amendment be adopted.

A quorum was established by the following vote:

Present—Senators

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

Absent—Senators

Goode	Mathewson	Russell	Stoll—4
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Absent with leave—Senators—None

Senator Jacob requested a roll call vote be taken on the adoption of **SA 3**. He was joined in his request by Senators Bland, Callahan, Dougherty and Wheeler.

SA 3 failed of adoption by the following vote:

YEAS—Senators

Bland	Callahan	Caskey	Goode
Jacob	Kennedy	Wheeler—7	

NAYS—Senators

Bartle	Bray	Cauthorn	Champion
Childers	Clemens	Coleman	Days
Dolan	Dougherty	Foster	Gibbons
Griesheimer	Gross	Kinder	Klindt
Loudon	Mathewson	Nodler	Quick
Russell	Scott	Shields	Steelman
Vogel	Yeckel—26		

Absent—Senator Stoll—1

Absent with leave—Senators—None

On motion of Senator Steelman, **SJR 29**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following message was 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 **SCS** for **SB 1003**.

Bill ordered enrolled.

RESOLUTIONS

Senator Dougherty offered Senate Resolution No. 1392, regarding Kevin Edward Gentsch, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1393, regarding the Daughters of Sunset, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Russell introduced to the Senate, James and Cherry Ann Fite, Chris Gilliam and Dawn Hicks, West Plains; and Jan Morrow, Ripley County.

On behalf of Senator Champion and himself, Senator Mathewson introduced to the Senate, Larry Freund, Springfield.

Senator Cauthorn introduced to the Senate, Beth Strange and Scott Childress, Edina; and Ken Schuetz, Canton.

Senator Cauthorn introduced to the Senate, Jon Norman, Katie Hodgson, Joey Willis, Ashlee Bross, Terry Willis, Lori Willis and Ken Norman, Hannibal.

Senator Steelman introduced to the Senate, Delia Bell and her daughter Fern Robinson, and Karen Dobson and Marilyn Dawson, Vienna.

Senator Griesheimer introduced to the Senate, Elizabeth Stoudley, Union.

Senator Caskey introduced to the Senate, Nancy Yankee and Charlie Castle and fifteen tenth, eleventh, and twelfth grade students from Holden High School.

Senator Cauthorn introduced to the Senate, Kenny Roth, Mexico.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Jim Gibbons, M.D., St. Louis County.

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

SENATE CALENDAR

TWENTY-EIGHTH DAY—WEDNESDAY, FEBRUARY 25, 2004

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1280-Childers and Foster
SB 1281-Childers and Foster

SB 1282-Kennedy
SB 1283-Bray

SB 1284-Clemens
SB 1285-Wheeler
SB 1286-Loudon
SB 1287-Griesheimer
SB 1288-Vogel

SB 1289-Kennedy and Gibbons
SB 1290-Steelman
SB 1291-Days, et al
SB 1292-Bray, et al
SB 1293-Bray, et al

HOUSE BILLS ON SECOND READING

HB 994-Cunningham (145), et al

HCS for HB 1040

THIRD READING OF SENATE BILLS

SCS for SB 969-Shields (In Fiscal Oversight)

SCS for SB 1038-Yeckel (In Fiscal Oversight)

Unofficial
SENATE BILLS FOR PERFECTION

SB 1138-Bartle
SB 870-Bartle
SB 700-Russell, with SCS
SB 989-Gross, et al, with SCS

SBs 740, 886 & 1178-Klindt, with SCS
SB 755-Shields, with SCS
SB 1122-Shields, with SCS

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HOUSE BILLS ON THIRD READING

HB 916-Brown, et al, with SCS (Shields)

INFORMAL CALENDAR

Copy
SENATE BILLS FOR PERFECTION

SB 715-Childers and Caskey, with SCS, SS
for SCS & SA 6 (pending)
SB 718-Yeckel, et al
SB 856-Loudon, with SCS
SB 933-Yeckel, et al

SB 990-Loudon, with SCS
SBs 1020, 889 & 869-Steelman, et al, with
SCS, SA 2 & SSA 1 for SA 2 (pending)
SB 1123-Gibbons, et al

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 1075-Coleman, with SCS
 SB 808-Klindt
 SB 741-Klindt
 SB 1100-Gibbons and Gross, with SCS
 SB 1052-Jacob
 SB 781-Caskey
 SB 827-Bartle, with SCS

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

Reported 2/16

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

SB 921-Caskey, with SCS
 SB 1108-Bartle

Reported 2/23

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

House Bills

Reported 2/23

HCS for HBs 950 & 948 (Childers)

RESOLUTIONS

Reported from Committee

SCR 32-Gibbons and Stoll, with SCA 1

SCR 35-Russell, et al

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Unofficial

Journal

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