

# Journal of the Senate

SECOND REGULAR SESSION

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SIXTH DAY—THURSDAY, JANUARY 12, 2006

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The Senate met pursuant to adjournment.

Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord satisfies you with good things and your youth is renewed like an eagle’s.” (Psalm 103:5)

Gracious God, many times after a long week we don’t feel the vigor or strength of an eagle; and so we pray that we will use this time away from here to be renewed by our time with You and with those we love. And help us in all things to be doing that which improves our bodies, mind and spirit so we may truly be whole and refreshed. 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.

The following Senators were present during the day’s proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

Senator Shields announced that Highway Patrolmen Major Dale Penn and Captain Brett Johnson had been given permission to enter the Chamber in full uniform including side arms.

## RESOLUTIONS

Senator Crowell offered Senate Resolution No. 1722, regarding Kyle David Sutherlin, Jackson, which was adopted.

Senator Klindt offered Senate Resolution No. 1723, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harry R. Jacobs, Linneus, which was adopted.

Senator Klindt offered Senate Resolution No. 1724, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Clifford E. “Gene” Ferguson, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 1725

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Jefferson City Downtown Rotary Club has sought to instill values of high integrity within our youth and to provide an opportunity for Missouri students to experience state government firsthand; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate and House Chambers for beneficial purposes; and

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly hereby grant the Jefferson City Rotary Club permission to use the Senate Chamber for the purpose of conducting Student Government Day on the morning of Monday, March 20, 2006.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1725** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 1725** was adopted.

Senator Barnitz offered Senate Resolution No. 1726, regarding Kaela Aerin Holtmeyer, Hermann, which was adopted.

### CONCURRENT RESOLUTIONS

Senator Champion offered the following Concurrent Resolution:

SENATE CONCURRENT RESOLUTION NO. 22

WHEREAS, Missouri highway work zone crashes resulted in 5,852 injuries and 97 deaths to motorists between 1999 and 2003; and

WHEREAS, in 2004, three Missouri Department of Transportation employees were killed and 69 injured in work zones; and

WHEREAS, 28 Missouri State Highway Patrolmen have given the ultimate sacrifice, including seven Missouri State Highway Patrolmen who were killed along side Missouri's highways since 2001; and 16 Missouri State Highway Patrol vehicles have been involved in traffic accidents in the last twelve

months; and

WHEREAS, highway injuries and fatalities are the result of driver inattention and the failure of drivers to slow down and move over in work zones or upon approach of emergency vehicles; and

WHEREAS, highway workers, including employees of the Missouri Department of Transportation, Missouri State Highway Patrol, law enforcement agencies, emergency medical services personnel, and highway contractors, regularly must work within the public right of way and in close proximity to traffic; and

WHEREAS, many of the causes of highway work deaths are preventable, including driver inattention, driving too fast for conditions, failing to yield right of way, following too closely and changing lanes improperly; and

WHEREAS, the Missouri General Assembly passed House Bill No. 1270 and House Bill No. 2032 in 2002 to require Missouri motorists to move over one lane or slow down when approaching parked emergency motor vehicles on highway right-of-ways; and

WHEREAS, public awareness of the need for greater caution and care by motorists while driving through highway work zones, while promoting safe practices by highway workers in highway work zones must be increased in the state of Missouri; and

WHEREAS, the Missouri General Assembly desires to promote highway worker safety and to encourage motorists traveling through Missouri highway work zones to exercise caution and care; and

WHEREAS, the Missouri General Assembly desires to generate an increased awareness of Missouri's law to move over or slow down when approaching stationary emergency vehicles in order to avoid the recent tragedies experienced by the Missouri State Highway Patrol:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Third General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby strongly encourage the Missouri Department of Transportation to create individual highway signs detailing the name and date of highway workers, emergency workers, and highway patrol officers injured or killed on Missouri highways and erect such signs at the location of the injury or death. The Missouri Department of Transportation shall not create or erect such highway signs unless the immediate family members of the highway workers, emergency workers, or highway patrol officers approve of the sign's creation; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Department of Transportation.

### INTRODUCTION OF BILLS

**SB 860**—By Callahan.

An Act to repeal section 143.011, RSMo, and

to enact in lieu thereof one new section relating to income taxation of resident taxpayers filing combined returns.

**SB 861**—By Ridgeway and Shields.

An Act to repeal sections 86.1230 and 86.1600, RSMo, and to enact in lieu thereof two new sections relating to the police retirement system and the civilian employees' retirement system of the police department of Kansas City.

**SB 862**—By Engler.

An Act to amend chapter 260, RSMo, by adding thereto fourteen new sections relating to environmental covenants, with a severability clause.

**SB 863**—By Engler.

An Act to repeal section 320.300, RSMo, and to enact in lieu thereof one new section relating to volunteer fire protection associations.

**SB 864**—By Engler.

An Act to repeal section 288.040, RSMo, and to enact in lieu thereof one new section relating to unemployment benefits for certain educational employees.

**SB 865**—By Cauthorn and Barnitz.

An Act to repeal sections 137.115 and 137.118, RSMo, and to enact in lieu thereof two new sections relating to the personal property tax exemption for livestock.

**SB 866**—By Graham.

An Act to repeal sections 208.010, 208.151, 208.152, 208.215, and 208.640, RSMo, and to enact in lieu thereof seven new sections relating to health care and social services.

**SB 867**—By Graham.

An Act to repeal section 67.797, RSMo, and to enact in lieu thereof one new section relating to regional recreational districts.

**SB 868**—By Koster.

An Act to amend chapter 208, RSMo, by

adding thereto one new section relating to the healthcare technology fund, with an emergency clause.

**SB 869**—By Koster.

An Act to repeal sections 217.735, 559.106, 566.030, 566.032, 566.060, 566.062, 566.067, 566.083, 566.090, 566.212, 568.080, 568.090, 589.407, and 589.414, RSMo, and to enact in lieu thereof fourteen new sections relating to crime, with penalty provisions.

**SB 870**—By Mayer.

An Act to repeal sections 57.290, 211.393, 221.105, 550.190, 550.200, 550.210, 550.220, 550.230, and 550.260, RSMo, and to enact in lieu thereof nine new sections relating to the transfer of existing appropriation payments in the office of administration, with a penalty provision and an emergency clause.

**SB 871**—By Coleman.

An Act to repeal sections 86.252, 86.253, and 86.255, RSMo, and to enact in lieu thereof four new sections relating to police retirement.

**SB 872**—By Gibbons, Champion and Stouffer.

An Act to repeal section 304.022, RSMo, and to enact in lieu thereof one new section relating to motor vehicle drivers who fail to properly respond to emergency vehicles, with penalty provisions.

**SB 873**—By Gibbons.

An Act to repeal section 43.530, RSMo, and to enact in lieu thereof three new sections relating to criminal background checks.

**SB 874**—By Shields, Wheeler, Ridgeway, Koster, Bartle, Graham, Scott, Klindt and Kennedy.

An Act to repeal section 84.830, RSMo, and to enact in lieu thereof one new section relating to prohibited activities by Kansas City police officers.

**SJR 36**—By Graham.

Joint Resolution submitting to the qualified

voters of Missouri, an amendment repealing sections 15 and 24 of article IV of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to duties of the state treasurer.

**SJR 37**—By Graham.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 36 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the presentation of a balanced budget by the general assembly to the governor.

**SJR 38**—By Gross.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IV of the Constitution of Missouri, adding thereto one new section relating to taxing tobacco products.

**REPORTS OF STANDING COMMITTEES**

Senator Gibbons, 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, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Gwenna Peters, as a member of the Advisory Commission for Professional Physical Therapists;

Also,

M. Kathleen Alexander, as a member of the Missouri State Committee of Interpreters;

Also,

Quentin L. Jennings, as a member of the Kansas City Board of Election Commissioners;

Also,

Thomas J. Irwin, as a member of the Regional Convention and Sports Complex Authority;

Also,

Greg White, as a member of the Corrections Officer Certification Commission;

Also,

John L. Bognar, as a member of the Board of Geologist Registration;

Also,

William M. Duff, M.D., as a member of the Missouri Head Injury Advisory Council;

Also,

Charles Royce Fugate, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects;

Also,

Martin D. Vernon, as a member of the State Board of Embalmers and Funeral Directors;

Also,

Lois A. Linton, as a member of the State Committee of Marital and Family Therapists;

Also,

Sharad P. Parikh, M.D., as a member of the Drug Utilization Review Board;

Also,

Anita L. Coulter, as a member of the Missouri Training and Employment Council;

Also,

Reid K. Forrester, as a member of the Board of Probation and Parole.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its

advice and consent to the above appointments, which motion prevailed.

### 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  
65101

January 11, 2006

**To the Senate of the 93rd General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Monica E. Haaf, 5015 Shady Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Coordinating Board for Early Childhood Development, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, 210.102, RSMo.

Respectfully submitted,  
MATT BLUNT  
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri  
Jefferson City  
65101

January 11, 2006

**To the Senate of the 93rd General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Valeri J. Lane, 21088 Glenn Road, Sedalia, Pettis County, Missouri 65023, as a member of the Coordinating Board for Early Childhood Development, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, 210.102, RSMo.

Respectfully submitted,  
MATT BLUNT  
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri  
Jefferson City, Missouri  
January 11, 2006

**To the Senate of the 93rd General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice

and consent the following appointment:

Roger L. Mitchell, 502 West Lathrop Road, Columbia, Boone County, Missouri 65203, as a member of the Life Sciences Research Board, for a term ending April 8, 2008, and until his successor is duly appointed and qualified; vice, Judith Haggard, withdrawn.

Respectfully submitted,  
MATT BLUNT  
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri  
Jefferson City, Missouri  
January 11, 2006

**To the Senate of the 93rd General Assembly of the State of Missouri:**

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Ronald W. Randen, Post Office Box 91, 195 Street Highway 153, Gideon, New Madrid County, Missouri 63848, as a member of the Missouri Training and Employment Council, for a term ending August 28, 2009, and until his successor is duly appointed and qualified; vice, Robert Honan, term expired.

Respectfully submitted,  
MATT BLUNT  
Governor

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

### SECOND READING OF SENATE BILLS

The following Bill was read the 2nd time and referred to the Committee indicated:

**SB 857**—Education.

On motion of Senator Shields, the Senate recessed until 12:00 noon.

### RECESS

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

### 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 **HB 1015**, entitled:

An Act to appropriate money for supplemental purposes for the Department of Social Services, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2006.

In which the concurrence of the Senate is respectfully requested.

## COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

January 5, 2006

Mrs. Terry Spieler  
Secretary of the Senate  
State Capitol Building  
Jefferson City, MO 65101

Re: Appointment to Medical and Technical Advisory Committee

Dear Mrs. Spieler:

Pursuant to Section 208.195, RSMo, I am appointing Senator Pat Dougherty to the Medical Technical Advisory Committee.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Also,

January 11, 2006

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

**Re: Appointment to the Joint Committee on Transportation Oversight**

Dear Terry:

Due to the vacancy created by the resignation of Senator Jon Dolan, pursuant to Section 21.795, RSMo 2002, I am appointing Senator Delbert Scott to the Joint Committee on Transportation Oversight.

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

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

## INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Major Dale Penn and Captain Brett Johnson, members of the Missouri Highway Patrol, Jefferson City.

Senator Stouffer introduced to the Senate, Jordan Hodges, Matt Ketchum and Valeta McGhee, Odessa.

Senator Vogel introduced to the Senate, the Physician of the Day, Dr. Mike Wilson, M.D., Fulton.

On motion of Senator Shields, the Senate adjourned until 12:00 noon, Tuesday, January 17, 2006.

## SENATE CALENDAR

SEVENTH DAY--TUESDAY, JANUARY 17, 2006

## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 821-Griesheimer  
SB 822-Gross

SB 823-Klindt  
SB 824-Klindt and Loudon

SB 825-Koster, et al	SB 852-Barnitz
SB 826-Mayer	SB 853-Green, et al
SB 827-Dougherty, et al	SB 854-Green
SB 828-Scott	SB 855-Callahan
SB 829-Dougherty, et al	SB 856-Callahan and Bartle
SB 830-Ridgeway, et al	SB 858-Shields
SB 831-Kennedy, et al	SB 859-Days
SB 832-Griesheimer	SB 860-Callahan
SB 833-Nodler	SB 861-Ridgeway and Shields
SB 834-Nodler	SB 862-Engler
SB 835-Engler	SB 863-Engler
SB 836-Engler	SB 864-Engler
SB 837-Loudon and Klindt	SB 865-Cauthorn and Barnitz
SB 838-Loudon and Klindt	SB 866-Graham
SB 839-Loudon and Klindt	SB 867-Graham
SB 840-Stouffer	SB 868-Koster
SB 841-Ridgeway, et al	SB 869-Koster
SB 842-Ridgeway	SB 870-Mayer
SB 843-Graham, et al	SB 871-Coleman
SB 844-Graham, et al	SB 872-Gibbons, et al
SB 845-Kennedy, et al	SB 873-Gibbons
SB 846-Dougherty, et al	SB 874-Shields, et al
SB 847-Bartle	SJR 34-Crowell and Barnitz
SRB 848-Bartle	SJR 35-Crowell
SB 849-Mayer, et al	SJR 36-Graham
SB 850-Alter	SJR 37-Graham
SB 851-Stouffer	SJR 38-Gross

HOUSE BILLS ON SECOND READING

HB 1015-Icet

RESOLUTIONS

HCR 2-Dempsey (Shields)

HCR 3-Dempsey (Shields)

To be Referred

SCR 22-Champion

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