

Journal of the Senate

SECOND REGULAR SESSION

NINTH DAY—THURSDAY, JANUARY 19, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Harry S Truman on January 20th, 1949 said: “The supreme need of our time is for men to learn to live together in peace and harmony.”

O King of the Universe, the years passed and we continue to see the need for peace and harmony in our world. Yet daily we hear of new deaths and acts of terrorism and murder of ordinary people and we seem further from Your teaching us to live together in peace. Help us to know and live a life that peace begins with us and our actions and decisions do have both negative and positive effects on others. Help us to be instruments of Your peace in our families, our communities, our state and nation, that our world may see and discover peace is truly possible. 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.

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
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

CONCURRENT RESOLUTIONS

Senator Scott offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 24

Relating to the Poultry Industry Committee.

WHEREAS, the poultry industry is a vital, profitable, and important industry in this state; and

WHEREAS, the General Assembly wishes to maintain and enhance the positive economic impacts while making every attempt to eliminate negative aspects of the industry; and

WHEREAS, the poultry industry produces waste products which have significantly impacted the environment of the state; and

WHEREAS, the Poultry Industry Committee was created in 2002 to study the economic and environmental impact of the poultry industry in this state, especially the impacts this industry has on sensitive environmental areas; and

WHEREAS, while the Poultry Industry Committee has officially completed its duties, there is still work to be accomplished:

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 reauthorize the "Poultry Industry Committee" to continue its review and evaluation of both the economic impact of the poultry industry, waste disposal issues, and environmental impacts of this industry, and as well as making recommendations on further action or legislative remedies, if any, to be taken as necessary; and

BE IT FURTHER RESOLVED that such Committee shall be composed of twenty-seven members, one member to be a member of the Senate to be appointed by the President Pro Tem of the Senate, one member to be a member of the House of Representatives to be appointed by the Speaker of the House, two county commissioners or their designees, a representative from the Food and Agricultural Policy Research Institute (FAPRI), a representative of the Environmental Protection Agency (EPA), a representative of the Department of Natural Resources, a representative of the United States Department of Agriculture, a representative of the Natural Resources Conservation Services (NRCS), a representative of the university extension system, a representative of the poultry federation, a representative of the Missouri Farmer's Association, a representative of the Farm Bureau, a representative of the Department of Conservation, a representative of the University of Missouri Department of Agriculture, Food, and Natural Resources, a representative of the Missouri State University Department of Agriculture, a representative of the University of Missouri Commercial Agriculture Program, a member appointed by the Resource Conservation & Development Council, a representative of the Department of Economic Development, a representative of the Department of Agriculture, a representative of the Clean Water Commission, two active poultry farmers, two poultry industry contractors or processors, a person active in the processing/value-added portion of poultry waste, and one person from Missouri Farm Credit Services. Each member of the Committee shall serve until December 31, 2007; and

BE IT FURTHER RESOLVED that the Committee may conduct its business by various means but shall meet no less than twice each year as a full Committee; and

BE IT FURTHER RESOLVED that all state agencies shall cooperate with the Committee in carrying out its duties, including allowing access to closed records, provided that the Committee shall not disclose any identifying information contained in such records closed pursuant to statute or general order and any such information in the custody of the Committee shall not be discoverable to the same extent as when in the custody of the parent agency; and

BE IT FURTHER RESOLVED that all members shall serve without compensation and the Office of Administration shall provide funding, administrative support, and staff for the effective operation of the Committee; and

BE IT FURTHER RESOLVED that the Committee shall continue to study problems and solutions, collect information and provide recommendations in a report to the General Assembly before December 31, 2007; and

BE IT FURTHER RESOLVED that the Poultry Industry Committee shall terminate December 31, 2007; and

BE IT FURTHER RESOLVED that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

Read 1st time.

Senator Cauthorn offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 25

WHEREAS, faith-based and community organizations are currently providing quality social services and making a positive difference in the communities they serve; and

WHEREAS, faith-based and community organizations are serving their communities in areas such as the prevention and treatment of juvenile delinquency, child care services, support services for the elderly, the prevention of crime, the intervention in and prevention of domestic violence, and a number of other social service areas; and

WHEREAS, some of these faith-based and community organizations are currently receiving funds from the federal government, or through the state, or a city, or local government that itself receives federal funds, to carry out their missions; and

WHEREAS, because of the quality services provided by these organizations, it is important for the state and local governments to utilize their services by working in partnership with faith-based and community organizations; and

WHEREAS, faith-based and community organizations that currently work in partnership with local governments or judicial circuits are doing so within the framework of the Constitutional church-state guidelines:

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 express their gratitude to faith-based and community organizations working in their communities to improve the lives of the citizens of this state; and

BE IT FURTHER RESOLVED that we support the mission of faith-based and community organizations to provide social services to improve the lives of our citizens; and

BE IT FURTHER RESOLVED that we support and encourage the state and all local governments to work in partnership with faith-based and community organizations to provide quality social services that improve the lives of so many of our citizens in particular and better our society in general; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governor, the presiding judge of each judicial circuit in this state, and to the director of each state department.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 1775, regarding Jim Hall, which was adopted.

Senator Gibbons offered Senate Resolution No. 1776, regarding Meg Allen, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1777, regarding Raymond “Ray” Brock, Jr., Liberty, which was adopted.

Senator Graham offered Senate Resolution No. 1778, regarding the University of Missouri-Columbia Mizzou Tigers Football Team, which was adopted.

Senator Gibbons offered Senate Resolution No. 1779, regarding Michael “Mike” Gibbons, Sr., Kirkwood, which was adopted.

Senator Goodman offered Senate Resolution No. 1780, regarding Erica Maples, Aurora, which was adopted.

Senator Goodman offered Senate Resolution No. 1781, regarding Joe Schnabl, Cassville, which was adopted.

Senator Goodman offered Senate Resolution No. 1782, regarding Whitney Edmondson, Aurora, which was adopted.

Senator Goodman offered Senate Resolution No. 1783, regarding Mike and Cindy Carr, Cassville, which was adopted.

Senator Gibbons offered Senate Resolution No. 1784, regarding Herbert S. “Herb” Jones, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1785, regarding Eric Langhorst, Liberty, which was adopted.

Senator Wheeler offered Senate Resolution No. 1786, regarding Manny and Vivian Lopez, Kansas City, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1787, regarding the One Hundred

Fiftieth Anniversary of the City of Sullivan, which was adopted.

INTRODUCTION OF BILLS

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

SB 903—By Griesheimer.

An Act to repeal section 537.610, RSMo, and to enact in lieu thereof one new section relating to liability for tort claims.

SB 904—By Griesheimer.

An Act to repeal sections 8.007, 8.010, 8.110, 8.115, 8.120, 8.178, 8.180, 8.200, 8.250, 8.260, 8.310, 8.315, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.380, 8.420, 8.800, 8.803, 8.805, 8.807, 8.810, 8.812, 8.815, 8.817, 8.820, 8.823, 8.830, 8.833, 8.835, 8.837, 8.840, 8.843, 8.845, 8.847, 8.849, 8.851, 34.030, 37.005, 107.170, and 610.021, RSMo, and to enact in lieu thereof forty-two new sections relating to designing, building, and managing state buildings.

SB 905—By Engler.

An Act to repeal section 383.105, RSMo, and to enact in lieu thereof eight new sections relating to medical malpractice insurance.

SB 906—By Engler.

An Act to repeal section 701.312, RSMo, and to enact in lieu thereof one new section relating to lead abatement.

SB 907—By Engler.

An Act to repeal sections 376.309 and 409.1-102, RSMo, and to enact in lieu thereof two new sections relating to securities regulation.

SB 908—By Stouffer.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to state highways and transportation commission authority to implement electronic bidding on state highway system projects.

SB 909—By Stouffer.

An Act to repeal section 304.170, RSMo, and

to enact in lieu thereof one new section relating to the length of driveaway saddlemount combinations.

SB 910—By Stouffer.

An Act to repeal sections 148.376, 383.015, 383.020, and 383.035, RSMo, and to enact in lieu thereof five new sections relating to malpractice insurance.

SB 911—By Goodman.

An Act to repeal sections 145.009, 145.011, 145.041, 145.051, 145.091, 145.101, 145.102, 145.201, 145.301, 145.481, 145.511, 145.551, 145.552, 145.601, 145.711, 145.801, 145.846, 145.871, 145.961, 145.971, 145.985, 145.995, and 145.1000, RSMo, relating to estate taxes, with an effective date.

SB 912—By Goodman.

An Act to amend chapter 161, RSMo, by adding thereto one new section relating to the establishment of a virtual school.

SB 913—By Vogel.

An Act to amend chapter 313, RSMo, by adding thereto one new section relating to amusement devices.

SB 914—By Koster.

An Act to repeal sections 383.160, 383.165, and 383.195, RSMo, and to enact in lieu thereof three new sections relating to the medical malpractice joint underwriting association.

SB 915—By Koster, Klindt, Gibbons and Graham.

An Act to amend chapter 393, RSMo, by adding thereto four new sections relating to the green power initiative, with an effective date.

SB 916—By Koster, Stouffer, Kennedy, Griesheimer, Wheeler, Ridgeway, Dougherty and Bray.

An Act to repeal sections 210.104, 210.107, and 307.178, RSMo, and to enact in lieu thereof

two new sections relating to child safety restraints, with penalty provisions and an effective date.

SB 917—By Gross and Gibbons.

An Act to amend chapter 33, RSMo, by adding thereto two new sections relating to the transfer of certain funds to the general revenue fund, with an emergency clause.

SB 918—By Scott.

An Act to repeal section 143.111, RSMo, and to enact in lieu thereof two new sections relating to a long-term care insurance tax deduction.

SB 919—By Scott.

An Act to repeal section 77.580, RSMo, relating to concealed weapons in third class cities.

SB 920—By Coleman and Bray.

An Act to amend chapter 178, RSMo, by adding thereto one new section relating to the urban flight scholarship program.

SB 921—By Coleman.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the establishment of the Missouri Senior Cadets Program.

SB 922—By Wilson and Wheeler.

An Act to repeal section 571.030, RSMo, and to enact in lieu thereof one new section relating to the unlawful use of weapons, with penalty provisions.

HOUSE BILLS ON THIRD READING

HB 1015, introduced by Representative Icet, 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.

Was taken up by Senator Gross.

On motion of Senator Gross, **HB 1015** was

read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senator Loudon—1

Absent with leave—Senators—None

Vacancies—1

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

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 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:

Adolfo Castillo, Republican, as a member of the Missouri Commission on Human Rights;

Also,

Doris J. Carlin and Charles W. Davis, as members of the Missouri Real Estate Commission;

Also,

Charles A. Juden, as a member of the Seismic Safety Commission;

Also,

Christopher D. Filer and Mary K. Meek, as members of the Missouri Training and Employment Council;

Also,

Daniel R. Orme, as a member of the State Committee of Psychologists;

Also,

Richard F. Baalman, Sr., Republican, as a member of the Missouri Housing Development Commission;

Also,

Robert Davis, as a member of the Corrections Officer Certification Commission;

Also,

Robert J. Crawford, Republican, as a member of the Missouri Board for Respiratory Care;

Also,

Kevin D. Wallace, D.D.A., as a member of the Missouri Dental Board;

Also,

Peggy Kubicek, as a member of the County Employees Retirement Fund;

Also,

Jack C. Baker, as a member of the Air Conservation Commission;

Also,

Terrence G. Klamet, as a member of the State Board of Podiatric Medicine.

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 and reappointments, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

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 **SB 578**, 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 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 **SCR 21**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE CONCURRENT RESOLUTION NO. 21

WHEREAS, good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve the public health; and

WHEREAS, direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially with today's greater potential for the cross-border spread of various infectious diseases; and

WHEREAS, Taiwan's population of 23,500,000 people is greater than three-fourths of the member states already in the World Health Organization; and

WHEREAS, Taiwan's achievements in the field of health are substantial, including achieving one of the highest life expectancy levels in Asia; lowering maternal and infant mortality rates to a level comparable to those of western countries; eradicating such infectious diseases as cholera, smallpox, the plague, and polio; and providing children with hepatitis B vaccinations; and

WHEREAS, the United States Centers for Disease Control and Prevention and its Taiwan counterpart agencies have enjoyed close collaboration on a wide range of public health issues; and

WHEREAS, in recent years Taiwan has expressed a

willingness to assist financially and technically in international aid and health activities supported by the World Health Organization; and

WHEREAS, the World Health Assembly has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974, the Order of Malta, and the Holy See in the early 1950s; and

WHEREAS, the United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations:

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 support observer status for Taiwan in the World Health Organization; 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, Secretary of State of the United States, Director of the United States Department of Health and Human Services, Executive Director of the World Health Organization and the Director General of the Taipei Economic and Cultural Office in Kansas City.

President Kinder assumed the Chair.

CONCURRENT RESOLUTIONS

Senator Shields moved that **HCR 2** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **HCR 2** was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senator Gross—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

Senator Shields moved that **HCR 3** be taken

up for adoption, which motion prevailed.

On motion of Senator Shields, **HCR 3** was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Green	Griesheimer
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—29			

NAYS—Senators

Dougherty	Graham	Gross	Kennedy—4
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

REFERRALS

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

SECOND READING OF SENATE BILLS

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

SB 872—Transportation.

SB 873—Judiciary and Civil and Criminal Jurisprudence.

SB 874—Economic Development, Tourism and Local Government.

SB 875—Judiciary and Civil and Criminal Jurisprudence.

SB 876—Pensions, Veterans' Affairs and General Laws.

SB 877—Ways and Means.

SB 878—Judiciary and Civil and Criminal Jurisprudence.

SB 879—Transportation.

SB 880—Commerce, Energy and the Environment.

SB 881—Economic Development, Tourism and Local Government.

SB 882—Economic Development, Tourism and Local Government.

SB 883—Small Business, Insurance and Industrial Relations.

SB 884—Economic Development, Tourism and Local Government.

SB 885—Judiciary and Civil and Criminal Jurisprudence.

SB 886—Judiciary and Civil and Criminal Jurisprudence.

SB 887—Financial and Governmental Organizations and Elections.

SB 888—Small Business, Insurance and Industrial Relations.

SB 889—Aging, Families, Mental and Public Health.

SB 890—Judiciary and Civil and Criminal Jurisprudence.

SJR 34—Education.

SJR 35—Pensions, Veterans' Affairs and General Laws.

SJR 36—Governmental Accountability and Fiscal Oversight.

SJR 37—Governmental Accountability and Fiscal Oversight.

SJR 38—Ways and Means.

President Pro Tem Gibbons assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **HB 1015**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

INTRODUCTIONS OF GUESTS

Senator Ridgeway introduced to the Senate,

the Physician of the Day, Dr. John Hagan, Kansas City.

Senator Days introduced to the Senate, Twameeka Graham, Kansas City.

Senator Coleman introduced to the Senate, Dr. John A. Mahoney and Dr. Michael F. Vincenc, St. Louis.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, January 23, 2006.

SENATE CALENDAR

TENTH DAY—MONDAY, JANUARY 23, 2006

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 891-Scott	SB 907-Engler
SB 892-Scott	SB 908-Stouffer
SB 893-Scott	SB 909-Stouffer
SB 894-Nodler, et al	SB 910-Stouffer
SB 895-Engler	SB 911-Goodman
SB 896-Griesheimer	SB 912-Goodman
SB 897-Kennedy	SB 913-Vogel
SB 898-Koster and Barnitz	SB 914-Koster
SB 899-Dougherty and Bray	SB 915-Koster, et al
SB 900-Shields	SB 916-Koster, et al
SB 901-Shields	SB 917-Gross and Gibbons
SB 902-Callahan	SB 918-Scott
SB 903-Griesheimer	SB 919-Scott
SB 904-Griesheimer	SB 920-Coleman and Bray
SB 905-Engler	SB 921-Coleman
SB 906-Engler	SB 922-Wilson and Wheeler

SENATE BILLS FOR PERFECTION

SB 578-Shields, with SCS

RESOLUTIONS

Reported from Committee

SCR 21-Ridgeway, et al, with SCS

To be Referred

SCR 24-Scott

SCR 25-Cauthorn

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