

# Journal of the Senate

SECOND REGULAR SESSION

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**THIRTEENTH DAY—THURSDAY, JANUARY 26, 2006**

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The Senate met pursuant to adjournment.

Shields          Stouffer          Vogel          Wheeler  
Wilson—33

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

Absent—Senators—None

“Show me Lord, your way, so that I may walk in your truth. Guide my heart to fear your name.” (Psalm 86:6)

Absent with leave—Senators—None

Almighty God, as we finish up this week and head for home we ask for the gift to be able to walk in Your pathways. Help us to make our time with loved ones and friends special and our worship remind us of our traditions and priorities of what is truly important. Bless this time together that our ways follow Your ways and our love may be like Yours. In Your Holy Name we pray. Amen.

Vacancies—1

The Pledge of Allegiance to the Flag was recited.

## RESOLUTIONS

Senator Graham offered Senate Resolution No. 1868, regarding the One Hundredth Birthday of Mary C. Hahn, Columbia, which was adopted.

A quorum being established, the Senate proceeded with its business.

Senator Barnitz offered Senate Resolution No. 1869, regarding Vic Lynch, Waynesville, which was adopted.

The Journal of the previous day was read and approved.

Senator Vogel offered the following resolution:

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

SENATE RESOLUTION NO. 1870

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic process of government:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, that the Missouri Catholic Conference be hereby granted permission to use the Senate Chamber and the Senate Hearing Rooms from 7:00 a.m. to 7:00 p.m. on September 30, 2006, for the purpose of a citizens assembly and workshops.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1870** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 1870** was adopted.

Senator Shields offered Senate Resolution No. 1871, regarding Mobile Media, Kansas City, which was adopted.

Senator Crowell offered Senate Resolution No. 1872, regarding Automation Service Company, Inc., Cape Girardeau, which was adopted.

### INTRODUCTION OF BILLS

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

**SB 955**—By Coleman.

An Act to amend chapter 660, RSMo, by adding thereto one new section relating to hot weather maintenance of utility service.

**SB 956**—By Purgason.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

**SB 957**—By Engler and Crowell.

An Act to amend chapter 478, RSMo, by adding thereto one new section relating to the establishment and authorization of the positions of drug court commissioner and drug court administrator in the twenty-fourth judicial circuit, with an emergency clause.

**SB 958**—By Kennedy.

An Act to amend chapter 33, RSMo, by adding thereto one new section relating to

privatization contracts.

**SB 959**—By Alter.

An Act to repeal sections 523.040 and 523.205, RSMo, and to enact in lieu thereof nine new sections relating to eminent domain, with a contingent effective date.

**SB 960**—By Alter.

An Act to repeal sections 43.650, 589.402, and 589.414, RSMo, and to enact in lieu thereof three new sections relating to sexual offenders.

**SB 961**—By Ridgeway.

An Act to amend chapter 390, RSMo, by adding thereto one new section relating to indemnity agreements in motor carrier transportation contracts.

**SB 962**—By Ridgeway.

An Act to amend chapter 135, RSMo, by adding thereto seven new sections relating to the Missouri student success scholarship tax credit program, with a sunset provision.

**SB 963**—By Scott and Loudon.

An Act to repeal section 302.341, RSMo, and to enact in lieu thereof one new section relating to limitations on revenues derived from traffic violations occurring on certain highways within the state.

**SB 964**—By Crowell.

An Act to repeal section 41.150, RSMo, and to enact in lieu thereof one new section relating to the appointment and duties of assistant adjutants general.

**SB 965**—By Bartle.

An Act to repeal sections 190.350, 190.353, and 190.355, RSMo, and to enact in lieu thereof two new sections relating to poison control.

### 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 24, 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:

Peter W. Lobdell, 8405 Northwest 62<sup>nd</sup> Street, Parkville, Platte County, Missouri 64152, as State Supervisor of the Division of Alcohol and Tobacco Control, for a term ending at the pleasure of the Governor and until his successor is duly appointed and qualified; vice, Dale H. Roberts, resigned.

Respectfully submitted,  
MATT BLUNT

Also,

## OFFICE OF THE GOVERNOR

State of Missouri  
Jefferson City  
65101

January 24, 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:

Harold C. Callaway, III, 14471 State Highway 371, Post Office Box 341, Faucett, Buchanan County, Missouri 64448, as a member of the Missouri Western State University Board of Governors, for a term ending December 31, 2007, and until his successor is duly appointed and qualified; vice, Robert Hughs, term expired.

Respectfully submitted,  
MATT BLUNT

Also,

## OFFICE OF THE GOVERNOR

State of Missouri  
Jefferson City  
65101

January 23, 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:

Jason R. Hackler, 4140 Shenandoah, Saint Louis City, Missouri 63110, as a member of the Missouri Acupuncturist Advisory Committee, for a term ending December 10, 2008, and until his successor is duly appointed and qualified; vice, Frances Afua Bromley, term expired.

Respectfully submitted,  
MATT BLUNT

Also,

## OFFICE OF THE GOVERNOR

State of Missouri  
Jefferson City  
65101

January 24, 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:

Ryan A. Sivill, 9893 Highway 190, Chillicothe, Livingston County, Missouri 64601, as student representative of Missouri State University Board of Governors, for a term ending December 31, 2007, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
MATT BLUNT

Also,

## OFFICE OF THE GOVERNOR

State of Missouri  
Jefferson City  
65101

January 24, 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:

Anthony P. Arton, 206 Unit E Fraternity Complex, Warrensburg, Johnson County, Missouri 64093, as student representative of Central Missouri State University Board of Governors, for a term ending December 31, 2007, and until his successor is duly appointed and qualified; vice, Matthew Landstra, term expired.

Respectfully submitted,  
MATT BLUNT

Also,

## OFFICE OF THE GOVERNOR

State of Missouri  
Jefferson City  
65101

January 24, 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:

Richard D. James, 10 Stone Meadow Court, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Missouri State Board of Chiropractic Examiners, for a term ending January 24, 2010, and until his successor is duly appointed and qualified; vice, Mary Holyoke, term expired.

Respectfully submitted,  
MATT BLUNT

Also,

## OFFICE OF THE GOVERNOR

State of Missouri  
Jefferson City  
65101

January 24, 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:

John R. Teale, 937 South Dunn, Maryville, Nodaway County, Missouri 64468, as a member of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, for a term ending September 30, 2009, and until his successor is duly appointed and qualified; vice, Kevin DeSain, term expired.

Respectfully submitted,  
MATT BLUNT

Also,

## OFFICE OF THE GOVERNOR

State of Missouri  
Jefferson City  
65101

January 23, 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:

Kathie A. Miller, 1011 Specialty Drive, Dexter, Stoddard County, Missouri 63841, as a member of the State Committee for Social Workers, for a term ending October 23, 2008, and until her successor is duly appointed and qualified; vice, Alyssa Person, term expired.

Respectfully submitted,  
MATT BLUNT

Also,

## OFFICE OF THE GOVERNOR

State of Missouri  
Jefferson City  
65101

January 23, 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:

Michael L. Nichols, 3910 Foxcreek Way, Columbia, Boone County, Missouri 65203, as a member of the State Board of Optometry, for a term ending June 30, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
MATT BLUNT

Also,

## OFFICE OF THE GOVERNOR

State of Missouri  
Jefferson City  
65101

January 23, 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:

James R. Bracht, 454 South Yellowwood, Springfield, Greene County, Missouri 65809, as a member of the Linked Deposits Review Committee, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Byron McCallum, term expired.

Respectfully submitted,  
MATT BLUNT

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

## 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:

Donald D. Hester, Herbert J. Schmidt and Katharine H. Barondeau, as members of the Missouri Training and Employment Council;

Also,

Jerrell L. Driver, as a member of the State Committee of Psychologists;

Also,

Verl T. Pope, as a member of the State Committee for Professional Counselors;

Also,

Thomas J. Carlson, Democrat, as a member of the Health and Educational Facilities Authority of

the State of Missouri;

Also,

Rick J. Muenks, as a member of the Missouri Real Estate Appraisers Commission;

Also,

Wayne Val Jean, as a member of the Missouri State Board of Accountancy;

Also,

Baughn T. Merideth, Democrat, as a member of the State Soil and Water District Commission;

Also,

Michael K. Whitehead, Republican, as a member of the Jackson County Board of Election Commissioners;

Also,

Daniel J. Abbott and Jonathan D. "David" Rogers, as members of the Seismic Safety Commission;

Also,

Peggy E. Adams, as a member of the Child Abuse and Neglect Review Board B;

Also,

Vincent D. Hillyer, as a member of the Child Abuse and Neglect Review Board;

Also,

John L. Winston, Republican, as a member of the Missouri State University Board of Governors;

Also,

Randall L. Moore and Elizabeth K. Grove, as members of the Safe Drinking Water Commission;

Also,

Rachelle R. Brown, as a member of the Northwest Missouri State University Board of Regents;

Also,

Steven D. Millikan, Republican, as a member of the Workers' Compensation Determination Review Board;

Also,

Deborah Kay Polc, as a member of the Advisory Commission for Dental Hygienists;

Also,

Gary F. Toelke, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Joanne M. Collins, Republican, as a member of the Missouri Commission on Human Rights;

Also,

Gurnie C. Gunter, Democrat, as a member of the Lincoln University Board of Curators;

Also,

Jovita M. Foster, Democrat, as a member of the Credit Union Commission;

Also,

Ronnie D. Fox, Republican, as a member of the Dam and Reservoir Safety Council;

Also,

Terri R. Marty, as a member of the State Committee for Social Workers;

Also,

William B. Siebenborn, Democrat, as a member of the State Milk Board;

Also,

Ben W. Kessler, Republican, as a member of the Hazardous Waste Management Commission.

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.

**SECOND READING OF SENATE BILLS**

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

**SB 901**—Pensions, Veterans' Affairs and General Laws.

**SB 902**—Economic Development, Tourism and Local Government.

**SB 903**—Judiciary and Civil and Criminal Jurisprudence.

**SB 904**—Financial and Governmental Organizations and Elections.

**SB 905**—Small Business, Insurance and Industrial Relations.

**SB 906**—Financial and Governmental Organizations and Elections.

**SB 907**—Financial and Governmental Organizations and Elections.

**SB 908**—Transportation.

**SB 909**—Transportation.

**SB 910**—Small Business, Insurance and Industrial Relations.

**SB 911**—Ways and Means.

**SB 912**—Education.

**SB 913**—Ways and Means.

**SB 914**—Small Business, Insurance and Industrial Relations.

**SB 915**—Commerce, Energy and the Environment.

**SB 916**—Transportation.

**SB 917**—Governmental Accountability and Fiscal Oversight.

**SB 918**—Ways and Means.

**SB 919**—Economic Development, Tourism and Local Government.

**SB 920**—Education.

**SB 921**—Education.

**SB 922**—Judiciary and Civil and Criminal Jurisprudence.

**SB 923**—Financial and Governmental Organizations and Elections.

**SB 924**—Economic Development, Tourism and Local Government.

**SB 925**—Agriculture, Conservation, Parks and Natural Resources.

**SB 926**—Economic Development, Tourism and Local Government.

**SB 927**—Ways and Means.

**SB 928**—Small Business, Insurance and Industrial Relations.

**SB 929**—Small Business, Insurance and Industrial Relations.

**SB 930**—Economic Development, Tourism and Local Government.

**SB 931**—Financial and Governmental Organizations and Elections.

**SB 932**—Financial and Governmental Organizations and Elections.

**SB 933**—Financial and Governmental Organizations and Elections.

**SB 934**—Financial and Governmental Organizations and Elections.

**SB 935**—Financial and Governmental Organizations and Elections.

**SB 936**—Ways and Means.

**SB 937**—Education.

**SB 938**—Transportation.

**SB 939**—Aging, Families, Mental and Public Health.

**SB 940**—Aging, Families, Mental and Public Health.

**SB 941**—Transportation.

**SB 942**—Transportation.

**SB 943**—Judiciary and Civil and Criminal Jurisprudence.

**SB 944**—Small Business, Insurance and Industrial Relations.

**SB 945**—Financial and Governmental Organizations and Elections.

**SB 946**—Judiciary and Civil and Criminal Jurisprudence.

**SB 947**—Education.

**SB 948**—Pensions, Veterans’ Affairs and General Laws.

**SB 949**—Aging, Families, Mental and Public Health.

**INTRODUCTIONS OF GUESTS**

On behalf of Senator Griesheimer, the President introduced to the Senate, Senator Griesheimer’s son, Aaron, Washington.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Charles Rehm, M.D., Town and Country.

Senator Koster introduced to the Senate, coaches, parents and members of the Class 5 State Championship, Ray-Pec Panthers High School football team.

Senator Purgason introduced to the Senate, Superintendent Ron Hendricks, Principal Dr. Brian Henry, Athletic Director Jeff Whitney, coaches Bob Shore, Jim Pirsch, Mike Silverwood, Ryan Neal, Joe Burghardt, Jeff Shore, Lance Foulk and Steve Bayless and members of the Class 4 State Championship, Camdenton Lakers High School football team.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, January 30, 2006.

**SENATE CALENDAR**



**FOURTEENTH DAY—MONDAY, JANUARY 30, 2006**



**FORMAL CALENDAR**

**SECOND READING OF SENATE BILLS**

- SB 950-Kennedy
- SB 951-Cauthorn
- SB 952-Goodman, et al
- SB 953-Engler, et al
- SB 954-Griesheimer
- SB 955-Coleman
- SB 956-Purgason
- SB 957-Engler and Crowell

- SB 958-Kennedy
- SB 959-Alter
- SB 960-Alter
- SB 961-Ridgeway
- SB 962-Ridgeway
- SB 963-Scott and Loudon
- SB 964-Crowell
- SB 965-Bartle