

# Journal of the Senate

SECOND REGULAR SESSION

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TWENTY-SIXTH DAY—MONDAY, FEBRUARY 20, 2006

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The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

"Determine that the thing can and shall be done, and then we shall find the way." (Abraham Lincoln)

Lord, we thank You for bringing us safely here to continue our work. We know there are many challenges that face us this session. So we pray, please give us the wisdom and discernment to continue to decide what is truly important and must be done. And we pray, help us find the way to work together and then to get it done. 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 for Thursday, February 16, 2006 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.

## RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 2082, regarding Mr. and Mrs. Michael Hulett, which was adopted.

Senator Crowell offered Senate Resolution No. 2083, regarding Kara Vangilder, which was adopted.

Senator Crowell offered Senate Resolution No. 2084, regarding Andrew Gross, which was adopted.

Senator Crowell offered Senate Resolution No. 2085, regarding Jonathan Young, which was adopted.

Senator Crowell offered Senate Resolution No. 2086, regarding Katie Matthews, which was adopted.

Senator Crowell offered Senate Resolution No. 2087, regarding Anthony Werner, which was adopted.

Senator Crowell offered Senate Resolution No. 2088, regarding Brad Culbertson, which was adopted.

Senator Crowell offered Senate Resolution No. 2089, regarding Mark Green, which was adopted.

Senator Crowell offered Senate Resolution No. 2090, regarding Sarah Roberts, which was adopted.

Senator Crowell offered Senate Resolution No. 2091, regarding Cole Jenkins, which was adopted.

Senator Crowell offered Senate Resolution No. 2092, regarding Kelsy Gjerstad, which was adopted.

Senator Crowell offered Senate Resolution No. 2093, regarding Andrew Schmid, which was adopted.

Senator Crowell offered Senate Resolution No. 2094, regarding Lauren Law, which was adopted.

Senator Coleman offered Senate Resolution No. 2095, regarding Freeman Bosley, Sr., Saint Louis, which was adopted.

Senator Gross offered Senate Resolution No. 2096, regarding Matthew J. Bradford, St. Charles, which was adopted.

Senator Loudon offered Senate Resolution No. 2097, regarding Delta Tau Delta Fraternity, which was adopted.

Senator Stouffer offered Senate Resolution No. 2098, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Leonard Newton, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution

No. 2099, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Ercel Colliver, Tina, which was adopted.

Senator Stouffer offered Senate Resolution No. 2100, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Fieth, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 2101, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Ryland Sims, Lexington, which was adopted.

Senator Mayer offered Senate Resolution No. 2102, regarding Coach Gene Bess, Three Rivers Community College, which was adopted.

Senator Wilson offered Senate Resolution No. 2103, regarding J.S. Chick Elementary School, Kansas City, which was adopted.

Senator Wilson offered Senate Resolution No. 2104, regarding Sanford B. Ladd Elementary School, Kansas City, which was adopted.

Senator Engler offered Senate Resolution No. 2105, regarding the Ninetieth Birthday of William A. Burns, Bunker, which was adopted.

Senator Alter offered Senate Resolution No. 2106, regarding Sara Puttman, which was adopted.

Senator Vogel offered Senate Resolution No. 2107, regarding Georgia Dulle, Jefferson City, which was adopted.

### **CONCURRENT RESOLUTIONS**

Senator Graham offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 29**

WHEREAS, the National Forest Service is a federal agency within the United States Department of Agriculture that manages public lands in national forests and grasslands, engages in important research as the world's largest forestry research organization, and provides assistance to state and private forestry entities; and

WHEREAS, the origination of the Forest Service can be traced back to the passage of the Forest Reserve Act of 1891, which

allowed presidents to establish forest reserves from timber-covered land in the public domain; and

WHEREAS, a progressive United States Congress and President Theodore Roosevelt, the most notable conservationist among all U.S. presidents deceased and living, established the Forest Service in 1905; and

WHEREAS, a primary objective of the Forest Service is to enable citizens to enjoy its 155 national forest and 20 grasslands, which collectively comprise about 8.5 percent of the total land area of the United States; and

WHEREAS, another chief goal of the Forest Service is to protect the environment for generations yet to come and manage the National Forest System for the overall benefit of the American people; and

WHEREAS, Gifford Pinchot, the first Chief of the Forest Service, summed up the mission of the Forest Service by stating that it should “provide the greatest amount of good for the greatest amount of people in the long run”; and

WHEREAS, Pinchot’s vision of the Forest Service has recently been called into question by a Bush Administration proposal to possibly sell more than 300,000 acres of national forest to private owners and developers; and

WHEREAS, 21,566 acres of the Mark Twain National Forest in Missouri is under consideration for sale, which ranks Missouri fourth in the nation in most potential lost forest, behind only California, Idaho and Colorado; and

WHEREAS, Forest Service stewards have in the past participated in limited land-exchange programs but have never engaged in the outright sale of our national forests, which is undoubtedly one of our country’s most precious assets; and

WHEREAS, the money raised from the sale of our national forests would be used to fund a program created by the Secure Rural Schools and Community Self Determination Act of 2000 – a program that is of little benefit to the citizens of the state of Missouri:

NOW, THEREFORE, BE IT RESOLVED that the members of the Missouri Senate of the Ninety-third General Assembly, Second Regular Session, the House of Representatives concurring herein, hereby express their opposition to the Bush Administration’s unprecedented proposed sale of national forest land; and

BE IT FURTHER RESOLVED that we urge Missouri citizens to contact the Forest Service during its allotted time of public comment to speak out against this plan; and

BE IT FURTHER RESOLVED that we ask Missouri’s nine Congressmen in the U.S. House of Representatives and its two U.S. senators to use their influence to oppose the proposed sale of public lands; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies

of this resolution for U.S. Agriculture Secretary Mike Johanns, Chief of the National Forest Service Dale Bosworth, and each of Missouri’s federal representatives and senators.

## INTRODUCTION OF BILLS

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

### **SB 1073**–By Gross.

An Act to repeal section 303.415, RSMo, and to enact in lieu thereof one new section relating to extending the sunset clause on the motorist insurance identification database program.

### **SB 1074**–By Loudon.

An Act to repeal sections 287.127, 287.250, 287.390, and 287.800, RSMo, and to enact in lieu thereof four new sections relating to workers’ compensation, with penalty provisions.

### **SB 1075**–By Loudon.

An Act to repeal section 287.717, RSMo, and to enact in lieu thereof one new section relating to workers’ compensation deductible surcharge collection.

### **SB 1076**–By Goodman.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to anatomic pathology services.

**SB 1077**–By Bray, Wheeler, Days, Green, Barnitz, Kennedy, Coleman and Wilson.

An Act to repeal section 116.090, RSMo, and to enact in lieu thereof one new section relating to signing initiative and referendum petitions, with penalty provisions.

### **SB 1078**–By Bray.

An Act to repeal section 386.390, RSMo, and to enact in lieu thereof one new section relating to the public service commission.

### **SB 1079**–By Coleman.

An Act to repeal section 304.070, RSMo, and to enact in lieu thereof one new section relating to

enhancing penalties for motorists who fail to properly yield for school buses that are loading and unloading children.

**SB 1080**—By Coleman.

An Act to authorize the conveyance of property owned by the state known as the Midtown state office building to St. Louis University, with an emergency clause.

**SB 1081**—By Clemens.

An Act to repeal section 644.051, RSMo, and to enact in lieu thereof one new section relating to bond requirement for issuance of permits for construction of wastewater treatment facilities.

**SB 1082**—By Shields.

An Act to repeal section 287.140, RSMo, and to enact in lieu thereof one new section relating to workers' compensation fees, with penalty provisions.

**SB 1083**—By Bray.

An Act to amend chapter 130, RSMo, by adding thereto one new section relating to disclosing expenditures in support of and in opposition to candidates.

President Kinder assumed the Chair.

Senator Shields requested unanimous consent of the Senate to correct the Rules, Joint Rules, Resolutions and Ethics Committee's report on **SB 908**, submitted on Wednesday, February 15, 2006. The report should have removed **SB 909** from the Consent Calendar rather than **SB 908**, which request was granted.

Senator Crowell requested unanimous consent of the Senate to correct the Pensions, Veterans' Affairs and General Laws Committee's report on **SB 830** to reflect the adoption of a Senate Committee Substitute, which request was granted.

**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

February 16, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Julius K. Hunter to the Saint Louis City Board of Police Commissioners, submitted on February 14, 2006. Line 1 should be amended as follows:

"Julius K. Hunter, 4660 Pershing Place, Saint Louis City, Missouri 63108, as a"

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101

February 16, 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 D. McKenzie, 341 North Washington, Nevada, Vernon County, Missouri 64772, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2010, and until his successor is duly appointed and qualified; vice, Natalie Anderson, term expired.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101

February 16, 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:

Edwin S. Fryer, 25 Foreway Drive, Ladue, Saint Louis County, Missouri 63124, as a member of the State Advisory Council on Emergency Medical Services, for a term ending January 5, 2010, and until his successor is duly appointed and qualified; vice, Bernard Orman, term expired.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101

February 16, 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:

Eric V. Barnhart, Republican, 1151 Saint Catherine Street, Florissant, Saint Louis County, Missouri 63031, as a member of the Public Defender Commission, for a term ending December 30, 2011 and until his successor is duly appointed and qualified; vice, Joyce Blades, term expired.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101

February 16, 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:

Owen F. Smith, Republican, 47 Foose Road, Buffalo, Dallas County, Missouri 65622, as a member of the Missouri Veterinary Medical Board, for a term ending April 29, 2009, and until his successor is duly appointed and qualified; vice, Roger D. Shaw, Jr., term expired.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101

February 16, 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:

S. Lee Kling, 17 Country Life Acres, Saint Louis, Saint Louis County, Missouri 63131, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2009, and until his successor is duly appointed and qualified; vice, Emmet Fairfax, term expired.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101

February 16, 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:

T. Brooks Hurst, Republican, 18541 State Highway O, Tarkio, Atchison County, Missouri 64491, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2010, and until his successor is duly appointed and qualified; vice, Kenneth Minton, term expired.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101

February 16, 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:

David J. Jones, 3245 Renick Street, Saint Joseph, Buchanan County, Missouri 63084, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2009, and until his successor is duly appointed and qualified; vice, Andrew Bettman, term expired.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101

February 16, 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 L. Wieberg, 2901 Chapel Valley, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Genetic Advisory Committee, for a term ending April 9, 2008, and until his successor is duly appointed and qualified; vice, Tobias Meeker, term expired.

Respectfully submitted,  
MATT BLUNT

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

### SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 583**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 583**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 583

An Act to repeal sections 33.080, 301.190, 301.800, 307.366, 643.305, 643.310, 643.315, 643.320, 643.330, 643.335, 643.350, and 643.360, RSMo, and to enact in lieu thereof twelve new sections relating to the state emissions inspection program, with an effective date for certain sections and penalty provisions.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 583** be adopted.

Senator Griesheimer offered **SS** for **SCS** for **SB 583**, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 583

An Act to repeal sections 33.080, 301.190, 301.800, 307.366, 643.305, 643.310, 643.315, 643.320, 643.330, 643.335, 643.350, and 643.360, RSMo, and to enact in lieu thereof twelve new sections relating to the state emissions inspection program, with an effective date for certain sections and penalty provisions.

Senator Griesheimer moved that **SS** for **SCS** for **SB 583** be adopted.

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

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 583,

Page 17, Section 643.303, Line 1, by inserting at the end of said line the following: “**The decentralized emissions inspection program established by the commission shall also include a clean screen program that utilizes remote sensing devices. Owners of eligible vehicles who comply with clean screen/remote sensing procedures shall be deemed to have complied with the mandatory inspection requirements for the next inspection cycle. As used in this subsection, the term “clean screen program” shall mean a procedure or system that utilizes remote sensing technologies to determine whether a motor vehicle has acceptable emission levels and then allows the motor vehicle owner to bypass the emissions inspection test required under section 643.315.**”

Senator Bray moved that the above amendment be adopted.

Senator Scott assumed the Chair.

At the request of Senator Griesheimer, **SB 583**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

### INTRODUCTION OF BILLS

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

**SB 1084**—By Gibbons.

An Act to repeal section 208.631, RSMo, and to enact in lieu thereof one new section relating to the sunset provision of the healthcare for uninsured children program.

**SB 1085**—By Kennedy, Bray, Days, Shields, Alter, Stouffer, Dougherty, Coleman and Gibbons.

An Act to repeal section 167.627, RSMo, and to enact in lieu thereof one new section relating to students self-administering medication.

### MESSAGES FROM THE HOUSE

The following messages were 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 refuses to recede from its position on **HCS** for **SCS** for **SB 578** and grants the Senate a conference thereon.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conferees on **HCS** for **SCS** for **SB 578**. Representatives: Lipke, Bruns, Jackson, Rucker and Witte.

### CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SCS** for **SB 578**: Senators Shields, Crowell, Bartle, Callahan and Kennedy.

### REFERRALS

President Pro Tem Gibbons referred **SB 618** to the Committee on Governmental Accountability

and Fiscal Oversight.

### INTRODUCTIONS OF GUESTS

Senator Clemens introduced to the Senate, Clement and Isaac Balasundaram, Anto Divyanathan, Vineeth Ramachandran and Kavin Paul, students from India attending Missouri State University, Springfield.

Senator Goodman introduced to the Senate, Megan and Jean Spree and Lindsay Barnes, Mt. Vernon; and Brenda Kleiboeker, Pierce City.

Senator Wilson introduced to the Senate, representatives of Missouri Chapters of Delta Sigma Theta Sorority, Incorporated.

On behalf of Senator Vogel and himself, Senator Gross introduced to the Senate, Alycia Haug, and her children, Abbey, Allison and Alexis, Jefferson City; and Abbey, Allison and Alexis were made honorary pages.

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

### SENATE CALENDAR

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TWENTY-SEVENTH DAY—TUESDAY, FEBRUARY 21, 2006

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### FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 1040-Barnitz  
SB 1041-Gibbons  
SB 1042-Kennedy  
SB 1043-Coleman  
SB 1044-Alter  
SB 1045-Goodman  
SB 1046-Days  
SB 1047-Loudon, et al

SB 1048-Shields  
SB 1049-Shields  
SB 1050-Bartle  
SB 1051-Bartle  
SB 1052-Nodler  
SB 1053-Days  
SB 1054-Cauthorn  
SB 1055-Cauthorn

SB 1056-Griesheimer	SB 1071-Loudon
SB 1057-Loudon	SB 1072-Loudon
SB 1058-Loudon	SB 1073-Gross
SB 1059-Kennedy	SB 1074-Loudon
SB 1060-Kennedy, et al	SB 1075-Loudon
SB 1061-Mayer	SB 1076-Goodman
SB 1062-Scott	SB 1077-Bray, et al
SB 1063-Scott	SB 1078-Bray
SB 1064-Stouffer	SB 1079-Coleman
SB 1065-Vogel	SB 1080-Coleman
SB 1066-Klindt	SB 1081-Clemens
SB 1067-Bartle	SB 1082-Shields
SB 1068-Purgason	SB 1083-Bray
SB 1069-Engler	SB 1084-Gibbons
SB 1070-Bray	SB 1085-Kennedy, et al

#### SENATE BILLS FOR PERFECTION

SB 629-Gross	SBs 701 & 948-Crowell, with SCS
SB 915-Koster, et al, with SCS	SBs 872, 754 & 669-Gibbons, et al, with SCS
SBs 1014 & 730-Scott and Gibbons, with SCS	SBs 1001, 896 & 761-Griesheimer, with SCS
SB 744-Klindt, with SCS	

#### INFORMAL CALENDAR

#### SENATE BILLS FOR PERFECTION

SB 583-Griesheimer and Alter, with SCS, SS for SCS & SA 1 (pending)	SB 690-Champion, with SCS
SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 & 890-Bartle and Scott, with SCS	SB 773-Cauthorn and Barnitz, with SCS
SB 596-Days	SB 820-Koster, with SCS
SB 644-Shields	SB 832-Griesheimer, with SCS
SB 689-Scott	SB 849-Mayer, et al, with SS, SA 6 & SA 1 to SA 6 (pending)
	SJR 26-Ridgeway and Graham



CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 749-Engler, with SCS  
SB 747-Klindt, with SCS  
SB 641-Scott  
SB 818-Scott  
SB 819-Scott  
SB 828-Scott  
SB 678-Gross

SB 630-Gross, with SCS  
SB 805-Gross  
SB 612-Engler  
SB 712-Scott  
SB 802-Shields, with SCS  
SB 648-Champion  
SB 677-Gross

Reported 2/9

SB 559-Gibbons  
SB 558-Gibbons  
SB 746-Klindt, with SCS  
SB 881-Engler  
SB 900-Shields  
SB 765-Dougherty, with SCS

SB 618-Koster (In Fiscal Oversight)  
SB 580-Shields, with SCS  
SB 650-Champion, with SCS  
SB 840-Stouffer  
SB 908-Stouffer

Reported 2/16

SB 837-Loudon and Klindt  
SB 838-Loudon and Klindt  
SB 870-Mayer, with SCS  
SB 892-Scott, with SCS  
SB 906-Engler  
SB 932-Scott, with SCS  
SB 933-Scott  
SB 934-Engler, with SCS  
SB 561-Gross  
SB 766-Vogel  
SB 936-Vogel

SB 893-Scott  
SB 919-Scott  
SB 751-Stouffer, with SCS  
SB 867-Graham  
SB 863-Engler  
SB 809-Graham  
SB 760-Engler, with SCS  
SB 643-Scott  
SB 830-Ridgeway, et al, with SCS  
SB 871-Coleman

**BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES**

In Conference

SCS for SB 578-Shields, with HCS

**RESOLUTIONS**

Reported from Committee

SCR 24-Scott, with SCS

To be Referred

SCR 29-Graham

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