

Journal of the Senate

FIRST REGULAR SESSION

SIXTH DAY—THURSDAY, JANUARY 13, 2005

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“How precious also are Thy thoughts unto me, O God! How great is the sum of them! If I should count them, they are more in number than the sand.” (Psalm 139:17-18)

Gracious God, provide us time with friends and family and time in Your house this weekend, for we rejoice knowing the bounty of Your blessings and that whatever comes into our lives first existed as a thought in Your mind. May we gratefully acknowledge Your gifts to us and give You thanks for watching our going out and coming in, particularly in this weather. 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

| | | | |
|-----------|-------------|----------|----------|
| Bray | Callahan | Cauthorn | Champion |
| Clemens | Coleman | Crowell | Days |
| Dougherty | Engler | Gibbons | Graham |
| Green | Griesheimer | Gross | Kennedy |

| | | | |
|-----------|----------|--------|---------|
| Klindt | Koster | Loudon | Mayer |
| Nodler | Purgason | Scott | Shields |
| Stouffer | Taylor | Vogel | Wheeler |
| Wilson—29 | | | |

Absent with leave—Senators

| | | |
|-------------|-------|------------|
| Bartle | Dolan | Ridgeway—3 |
| Vacancies—2 | | |

The Lieutenant Governor was present.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 54, regarding the One Hundredth Birthday of Marcella McKinney, Houston, which was adopted.

Senator Cauthorn offered Senate Resolution No. 55, regarding Carol Gallaher, Mexico, which was adopted.

Senator Shields offered Senate Resolution No. 56, regarding Bill Grigsby, Parkville, which was adopted.

INTRODUCTION OF BILLS

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

SB 175—By Koster.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to a scholarship program for children of veterans killed

in combat.

SB 176—By Vogel and Mayer.

An Act to repeal section 57.080, RSMo, and to enact in lieu thereof two new sections relating to political subdivision elections, with an emergency clause and an expiration date.

SB 177—By Shields.

An Act to repeal section 105.712, RSMo, and to enact in lieu thereof one new section relating to dental care.

SB 178—By Shields.

An Act to repeal sections 330.010, 330.020, 330.030, 330.040, 330.045, 330.050, 330.065, 330.070, 330.080, 330.090, 330.100, 330.110, 330.160, 330.180, 330.200, and 330.210, RSMo, and to enact in lieu thereof sixteen new sections relating to podiatrists, with penalty provisions.

SB 179—By Griesheimer, Scott, Nodler and Koster.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to cost recovery for utility companies.

SB 180—By Loudon, Mayer, Nodler, Koster, Purgason, Bartle, Crowell, Shields, Gross and Gibbons.

An Act to amend chapter 9, RSMo, by adding thereto one new section relating to the designation of Ronald Reagan Day in Missouri.

SB 181—By Loudon, Klindt, Mayer, Nodler, Koster, Purgason, Bartle, Crowell, Shields, Gross and Gibbons.

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

SB 182—By Scott.

An Act to repeal section 323.075, RSMo, and to enact in lieu thereof two new sections relating to liquefied petroleum gases, with an effective date.

SB 183—By Scott, Loudon, Clemens, Champion, Nodler and Kennedy.

An Act to repeal section 287.845, RSMo, and to enact in lieu thereof two new sections relating to retirement.

SB 184—By Coleman.

An Act to amend chapters 488 and 589, RSMo, by adding thereto two new sections relating to the creation of the gang resistance education and training program fund, with an expiration date.

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:

Larry Crawford, as Director of the Department of Corrections;

Also,

Trish Vincent, as Director of the Department of Revenue;

Also,

Frederick H. Ferrell, as Director of the Department of Agriculture;

Also,

Michael N. Keathley, as Commissioner of the Office of Administration;

Also,

Alison Craighead, as Director of the Division of Professional Registration.

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.

RESOLUTIONS

Senator Gibbons, joined by the entire membership of the Senate, offered the following resolution, which was read and adopted:

SENATE RESOLUTION NO. 57

WHEREAS, the members of the Missouri Senate hold in tremendous esteem those Show-Me State residents who have proven down through the years to be committed to helping state government provide its much-needed services and programs in the efficient, effective manner mandated by the public; and

WHEREAS, Michael N. Keathley of Dexter has attained considerable distinction as the Senate Administrator who accepted that office's diverse duties and responsibilities in 2002; and

WHEREAS, on Thursday, January 13, 2005, Michael Keathley will draw his efforts as Senate Administrator to a close when he is sworn in at noon as the new Commissioner of the Office of Administration; and

WHEREAS, Michael Keathley brings to his leadership of the Office of Administration a wealth of knowledge and experience which he garnered from his position as Senate Administrator and from his earlier work as Assistant to the Chief Financial Officer, Director of Purchasing, Director of Marketing, Vice President for Marketing, Vice President of Sales and Marketing, and President of IXL Manufacturing Company, Incorporated, in Bernie, Missouri; and

WHEREAS, the holder of a Bachelor of Arts degree from Vanderbilt University in Nashville, Tennessee, Michael Keathley has developed and maintained an excellent reputation as a member of the American Hardware Manufacturers Association, Hardware Marketing Council, Hickory Handle Association, Boys Scouts of America's Southeast Missouri Council Executive Board and Greater Saint Louis Area Council Executive Board, and The Nature Conservancy; the president, the interim administrator, and a member of the Board of Directors for Dexter Memorial Hospital; and the chairman of the Depot Restoration Committee and a member of the Transportation Planning Committee for the city of Dexter; and

WHEREAS, Michael Keathley is justifiably proud to be known as the beloved husband of Julie Rehm Keathley and the loving father of four-year-old Peyton Rehm Keathley and three-year-old Mason Reagan Keathley:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, join unanimously to applaud the stellar record of contributions so generously given by Michael Keathley during his impressive tenure as Senate Administrator and to convey to him this legislative body's

most heartfelt best wishes as he shifts the focus of his time and energy to his new position as Commissioner of the Office of Administration; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to Michael N. Keathley of Dexter, Missouri.

Senator Callahan offered Senate Resolution No. 58, regarding the Boys Basketball program at William Chrisman High School, Independence, which was adopted.

Senator Engler offered Senate Resolution No. 59, regarding the One Hundredth Birthday of Florence Hawn, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 60, regarding Betty Combs, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 61, regarding Susan Todd Seufert, Farmington, which was adopted.

Senator Wilson offered Senate Resolution No. 62, regarding Joe Seabrooks, Jr., which was adopted.

Senator Stouffer offered Senate Resolution No. 63, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Sam Barr, Kearney, which was adopted.

COMMUNICATIONS

Senator Shields submitted the following:

January 13, 2005

Ms. Terry Spieler
Secretary of the Senate
State Capitol, Office 325
Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's St. Louis City Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

St. Louis City Caucus:

Senator Maida Coleman
 Senator Pat Dougherty
 Senator Harry Kennedy
 Representative Yaphett El-Amin
 Representative Rodney Hubbard
 Representative Jeanette Mott Oxford
 Representative Amber Boykins
 Representative Connie Johnson
 Representative Robin Wright Jones
 Representative Rachel Storch
 Representative Fred Kratky
 Representative Mike Vogt
 Representative Mike Daus
 Representative Tom Villa

Also,

January 13, 2005
 Ms. Terry Spieler
 Secretary of the Senate
 State Capitol, Office 325
 Jefferson City, MO 65101

Dear Ms. Spieler

The Rules, Joint Rules, Resolutions and Ethics Committee met today in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's Friends of the 20th Senate District Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

Friends of the 20th Senate District Caucus:

Senator Dan Clemens
 Senator Larry Gene Taylor
 Senator John Cauthorn
 Representative Jay Wasson
 Representative Michael Cunningham
 Representative Ray Weter
 Representative Brad Roark
 Representative Mark Wright
 Representative Jim Viebrock
 Representative Van Kelly

REPORTS OF COMMITTEES

Pursuant to Section 536.021, RSMo, Senator Gross submitted a copy of the Joint Committee on Administrative Rules' committee report regarding the Department of Natural Resources, Hazardous Waste Commission, Dry Cleaning Environmental Response Trust Fund (DERT). A copy of the committee's report is on file in the office of the Secretary of Senate.

Senator Gross assumed the Chair.

SECOND READING OF SENATE BILLS

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

SB 2—Judiciary and Civil and Criminal Jurisprudence.

SB 3—Ways and Means.

SB 5—Commerce, Energy and the Environment.

SB 7—Aging, Families, Mental and Public Health.

SB 8—Aging, Families, Mental and Public Health.

SB 9—Judiciary and Civil and Criminal Jurisprudence.

SB 10—Judiciary and Civil and Criminal Jurisprudence.

SB 13—Ways and Means.

SB 14—Financial and Governmental Organizations and Elections.

SB 15—Ways and Means.

SB 17—Judiciary and Civil and Criminal Jurisprudence.

SB 18—Pensions, Veterans' Affairs and General Laws.

SB 20—Education.

SB 22—Transportation.

SB 23—Judiciary and Civil and Criminal

Jurisprudence.

SB 26—Aging, Families, Mental and Public Health.

SB 27—Judiciary and Civil and Criminal Jurisprudence.

SB 28—Aging, Families, Mental and Public Health.

SB 29—Economic Development, Tourism and Local Government.

SB 30—Transportation.

SB 31—Transportation.

SB 32—Judiciary and Civil and Criminal Jurisprudence.

SB 34—Small Business, Insurance and Industrial Relations.

SB 38—Transportation.

SB 39—Aging, Families, Mental and Public Health.

SB 40—Financial and Governmental Organizations and Elections.

SB 41—Judiciary and Civil and Criminal Jurisprudence.

SB 42—Education.

SB 43—Small Business, Insurance and Industrial Relations.

SB 44—Ways and Means.

SB 47—Economic Development, Tourism and Local Government.

SB 48—Education.

SB 51—Judiciary and Civil and Criminal Jurisprudence.

SB 52—Judiciary and Civil and Criminal Jurisprudence.

SB 53—Judiciary and Civil and Criminal Jurisprudence.

SB 55—Small Business, Insurance and Industrial Relations.

SB 57—Small Business, Insurance and Industrial Relations.

SB 58—Ways and Means.

SB 59—Small Business, Insurance and Industrial Relations.

SB 60—Aging, Families, Mental and Public Health.

SB 61—Financial and Governmental Organizations and Elections.

SB 63—Pensions, Veterans' Affairs and General Laws.

SB 64—Aging, Families, Mental and Public Health.

SB 65—Judiciary and Civil and Criminal Jurisprudence.

SB 66—Pensions, Veterans' Affairs and General Laws.

SB 67—Judiciary and Civil and Criminal Jurisprudence.

SB 68—Ways and Means.

SB 70—Economic Development, Tourism and Local Government.

SB 72—Small Business, Insurance and Industrial Relations.

SB 73—Judiciary and Civil and Criminal Jurisprudence.

SB 74—Aging, Families, Mental and Public Health.

SB 75—Aging, Families, Mental and Public Health.

SB 76—Transportation.

SB 79—Ways and Means.

SB 80—Economic Development, Tourism and Local Government.

SB 81—Education.

SB 82—Small Business, Insurance and Industrial Relations.

SB 83—Judiciary and Civil and Criminal Jurisprudence.

SB 84—Financial and Governmental Organizations and Elections.

SB 85—Education.

SB 86—Economic Development, Tourism and Local Government.

SB 87—Education.

SB 88—Aging, Families, Mental and Public Health.

SB 89—Ways and Means.

SB 90—Aging, Families, Mental and Public Health.

SB 91—Education.

SB 92—Transportation.

SB 93—Financial and Governmental Organizations and Elections.

SB 94—Transportation.

SB 95—Aging, Families, Mental and Public Health.

SB 96—Judiciary and Civil and Criminal Jurisprudence.

SB 99—Economic Development, Tourism and Local Government.

SB 100—Financial and Governmental Organizations and Elections.

SB 102—Education.

SB 103—Education.

SB 105—Pensions, Veterans' Affairs and General Laws.

SB 106—Small Business, Insurance and Industrial Relations.

SB 107—Governmental Accountability and Fiscal Oversight.

SB 108—Ways and Means.

SB 109—Education.

SB 110—Small Business, Insurance and

Industrial Relations.

SB 111—Small Business, Insurance and Industrial Relations.

SB 113—Judiciary and Civil and Criminal Jurisprudence.

SB 115—Education.

SB 116—Education.

SB 118—Education.

SB 119—Pensions, Veterans' Affairs and General Laws.

SB 120—Governmental Accountability and Fiscal Oversight.

SB 121—Pensions, Veterans' Affairs and General Laws.

SB 122—Governmental Accountability and Fiscal Oversight.

SB 123—Judiciary and Civil and Criminal Jurisprudence.

SB 124—Commerce, Energy and the Environment.

SB 125—Ways and Means.

SB 128—Commerce, Energy and the Environment.

SB 131—Economic Development, Tourism and Local Government.

SB 132—Commerce, Energy and the Environment.

SB 133—Financial and Governmental Organizations and Elections.

SB 134—Economic Development, Tourism and Local Government.

SB 135—Economic Development, Tourism and Local Government.

SB 136—Education.

SB 137—Small Business, Insurance and Industrial Relations.

SB 138—Ways and Means.

SB 139—Economic Development, Tourism and Local Government.

SB 140—Financial and Governmental Organizations and Elections.

SB 141—Financial and Governmental Organizations and Elections.

SB 142—Transportation.

SB 143—Ways and Means.

SB 144—Judiciary and Civil and Criminal Jurisprudence.

SB 145—Small Business, Insurance and Industrial Relations.

SB 146—Aging, Families, Mental and Public Health.

SB 147—Agriculture, Conservation, Parks and Natural Resources.

SB 148—Commerce, Energy and the Environment.

SB 149—Judiciary and Civil and Criminal Jurisprudence.

SB 150—Governmental Accountability and Fiscal Oversight.

SB 151—Small Business, Insurance and Industrial Relations.

SB 152—Aging, Families, Mental and Public Health.

SB 153—Aging, Families, Mental and Public Health.

SB 154—Judiciary and Civil and Criminal Jurisprudence.

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Dr. Les Duncan, Principal, Mrs. Leanna Johnson, Richie Plummer, Amber Hankins, Ashleigh Fox, Codi Giessing, Meredith Huffman, Chelsea Vogelsang, Heather Knox, and Matthew Pritchett, eighth grade students from St. Paul’s Lutheran School, Farmington.

Senator Wheeler introduced to the Senate, Dr. Richard K. Haile, MD, Vincent Carter, and Hewart R. Tillett, MBA, CPA, Kansas City.

On motion of Senator Shields, the Senate adjourned until 12:00 noon, Tuesday, January 18, 2005.

Journal
SENATE CALENDAR

SEVENTH DAY—TUESDAY, JANUARY 18, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

- SB 155-Mayer
- SB 156-Shields
- SB 157-Crowell
- SB 158-Cauthorn
- SB 159-Cauthorn

- SB 160-Bartle, et al
- SB 161-Gross
- SB 162-Gross
- SB 163-Loudon, et al
- SB 164-Crowell

SB 165-Bartle
 SB 166-Green
 SB 167-Green
 SB 168-Dolan, et al
 SB 169-Gross
 SB 170-Gross
 SB 171-Purgason
 SB 172-Purgason
 SB 173-Scott
 SB 174-Vogel
 SB 175-Koster
 SB 176-Vogel & Mayer
 SB 177-Shields
 SB 178-Shields
 SB 179-Griesheimer, et al
 SB 180-Loudon, et al

SB 181-Loudon, et al
 SB 182-Scott
 SB 183-Scott, et al
 SB 184-Coleman
 SJR 1-Klindt
 SJR 2-Klindt
 SJR 3-Cauthorn
 SJR 4-Cauthorn
 SJR 5-Coleman
 SJR 6-Bartle
 SJR 7-Bartle
 SJR 8-Bartle
 SJR 9-Clemens
 SJR 10-Purgason
 SJR 11-Bartle
 SJR 12-Taylor

Unofficial

Resolutions

HCR 2-Dempsey (Shields)

HCR 10-Dempsey (Shields)

Journal

Copy