

Journal of the Senate

FIRST REGULAR SESSION

NINTH DAY—THURSDAY, JANUARY 20, 2005

The Senate met pursuant to adjournment.

Shields Stouffer Taylor Vogel
Wheeler Wilson—30

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

Absent with leave—Senators
Gibbons Gross—2

“May God be gracious to us and bless us and make his face to shine upon us,...” (Psalm 67:1)

Vacancies—2

Loving Father, we pray that You will be gracious to us and direct our steps and efforts this day. And we pray, “watch our going out and coming in” as we return to be with loved ones. And Lord, we pray for Senator Purgason’s family at the death of his father. Bless them with Your presence and comfort them with the assurance of Your mercy. 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

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Graham	Green	Griesheimer	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 87, regarding Jacob Michael D’Agostino, Overland Park, Kansas, which was adopted.

Senator Stouffer offered Senate Resolution No. 88, regarding Reverend Debra Valentine, Mayview, which was adopted.

Senator Stouffer offered Senate Resolution No. 89, regarding the death of Mary Lu (Bullock) Slaughter, LaPlata, which was adopted.

Senator Stouffer offered Senate Resolution No. 90, regarding the City of Richmond, which was adopted.

Senator Mayer offered Senate Resolution No. 91, regarding Jeff Drury, Poplar Bluff, which was adopted.

Senator Crowell offered Senate Resolution No. 92, regarding Joe Gambill, Cape Girardeau, which was adopted.

Senators Vogel and Champion offered Senate Resolution No. 93, regarding Jan Robbins,

Springfield, which was adopted.

Senator Callahan offered Senate Resolution No. 94, regarding the death of Tom Buckley, Independence, which was adopted.

Senator Koster offered Senate Resolution No. 95, regarding Kristopher Adam “Kris” Moore, Warrensburg, which was adopted.

Senator Koster offered Senate Resolution No. 96, regarding Dustin William “Dusty” Moore, Warrensburg, which was adopted.

Senator Koster offered Senate Resolution No. 97, regarding Wesley “Wes” Maness, Warrensburg, which was adopted.

Senator Koster offered Senate Resolution No. 98, regarding William C. “Will” Fosberg, Holden, which was adopted.

Senator Koster offered Senate Resolution No. 99, regarding David John “DJ” Denfeld, Warrensburg, which was adopted.

Senator Koster offered Senate Resolution No. 100, regarding George Bilbruck, Warrensburg, which was adopted.

Senator Koster offered Senate Resolution No. 101, regarding Austin Phillip Reed, Warrensburg, which was adopted.

Senator Koster offered Senate Resolution No. 102, regarding Ricardo Rampone, Knob Noster, which was adopted.

Senator Koster offered Senate Resolution No. 103, regarding Michael Laurence Caleb “Mike” Othic, Warrensburg, which was adopted.

Senator Koster offered Senate Resolution No. 104, regarding Michael Elliot “Eli” Kirchhoff, Warrensburg, which was adopted.

Senator Koster offered Senate Resolution No. 105, regarding Ian Lowell Kreher, Warrensburg, which was adopted.

Senator Koster offered Senate Resolution No. 106, regarding Kyle Robert Hookey, II, Whiteman Air Force Base, which was adopted.

Senator Mayer offered Senate Resolution No. 107, regarding the One Hundredth Birthday of Vallie A. Bollinger, Advance, which was adopted.

Senator Bartle offered Senate Resolution No. 108, regarding the Sixtieth Birthday of Costa George Haddad, St. Louis, which was adopted.

Senator Cauthorn offered Senate Resolution No. 109, regarding the One Hundred First Birthday of Essie Chamberlain, Bowling Green, which was adopted.

Senator Cauthorn offered Senate Resolution No. 110, regarding J. Melvin Motley, Bowling Green, which was adopted.

INTRODUCTION OF BILLS

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

SB 203—By Dougherty, Graham, Coleman, Wilson, Green, Days, Bray and Callahan.

An Act to repeal sections 103.003, 103.005, 103.036, 148.320, and 354.130, RSMo, and to enact in lieu thereof six new sections relating to the Missouri consolidated health care plan.

SB 204—By Dougherty, Graham, Coleman, Wilson, Green, Bray and Callahan.

An Act to repeal section 376.429, RSMo, and to enact in lieu thereof one new section relating to health care.

SB 205—By Klindt.

An Act to repeal section 67.1846, RSMo, and to enact in lieu thereof one new section relating to right-of-way.

SB 206—By Champion.

An Act to repeal section 99.918, RSMo and to enact in lieu thereof one new section relating to municipal building projects in certain cities.

SB 207—By Graham.

An Act to repeal section 144.049, RSMo, and to enact in lieu thereof one new section relating to the sales tax holiday, with an emergency clause.

SB 208—By Koster.

An Act to amend chapter 630, RSMo, by adding thereto one new section relating to department of mental health facilities.

SB 209—By Koster.

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

SB 210—By Griesheimer.

An Act to repeal sections 49.082, 50.334, 50.343, 51.281, 52.269, 52.271, 53.082, 54.320, 55.091, 56.265, 57.317, 58.095, 67.1850, 137.115, and 473.742, RSMo, and section 137.130 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house committee substitute for house bill no. 701, ninetieth general assembly, first regular session, and section 137.130 as enacted by conference committee substitute for house substitute for house committee substitute for senate bill no. 827, eighty-ninth general assembly, second regular session, and to enact in lieu thereof sixteen new sections relating to county government.

SB 211—By Loudon.

An Act to repeal sections 407.911, 407.912, and 407.913, RSMo, and to enact in lieu thereof three new sections relating to certain merchandising practices.

SB 212—By Loudon.

An Act to repeal section 379.160, RSMo, and to enact in lieu thereof one new section relating to fire insurance coverage.

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 18, 2005

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:

Rolfe C. McCoy, 1919 Polk Street, Chillicothe, Livingston County, Missouri 64601, to the Missouri Dental Board, for a term ending October 16, 2009, and until his successor is duly appointed and qualified; vice, Debra F. Fink, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 18, 2005

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. Pryor, Democrat, 3410 Elm Point Road, St. Charles, St. Charles County, Missouri 63301, to the St. Charles County Convention and Sports Facilities Authority, for a term ending April 27, 2010, and until his successor is duly appointed and qualified; vice, Gregory W. Booth, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 18, 2005

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:

King E. Sidwell, 1111 North Kingshighway, Sikeston, Scott County, Missouri 63801, as the Adjutant General of the Missouri National Guard, for a term ending ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Dennis Shull.

Respectfully submitted,

MATT BLUNT

Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 20, 2005

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:

Jeffrey D. Case, Republican, Rural Route Box 93 B Edina,
Knox County, Missouri 63537, as a member of the Missouri
Agricultural and Small Business Development Authority, for a term
ending June 30, 2009, and until his successor is duly appointed and
qualified; vice, Jeffrey D. Case, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 20, 2005

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:

Joseph M. Forand, M.D., 7401 Granbury Circle, St. Louis, St.
Louis County, Missouri 63123, as a member of the State Board of
Health, for a term ending October 13, 2008, and until his successor
is duly appointed and qualified; vice, Donald L. James, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 20, 2005

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:

Joseph J. Frank, 9933 Hilltop Drive, Saint Louis, Saint Louis
County, Missouri 63128, as a member of the Missouri Veterans'
Commission, for a term ending November 2, 2005, and until his
successor is duly appointed and qualified; vice, Carl Niewoehner,

term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 20, 2005

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:

Barbara Hayden, Republican, 1300 W Henry Street, Sedalia,
Pettis County, Missouri 65301, as a member of the State Fair
Commission, for a term ending December 29, 2009 and until her
successor is duly appointed and qualified; vice, David Malmo, term
expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 20, 2005

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 P. Howerton, Republican, 1282 North West 501,
Chilhowee, Henry County, Missouri 64733, as a member of the
Missouri Agricultural and Small Business Development Authority,
for a term ending June 30, 2008, and until his successor is duly
appointed and qualified; vice, Charles E. Mitchell, withdrawn.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 20, 2005

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:

Charles C. McGinty, Republican, 5059 McClland Boulevard, Joplin, Newton County, Missouri 64804, as a member of the Missouri Southern State University-Joplin Board of Governors, for a term ending August 30, 2010, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 20, 2005

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:

Carson Ross, 3305 Park Lane, Blue Springs, Jackson County, Missouri 64105, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2008, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 20, 2005

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:

Gordon Spilker, Democrat, 3301 Brookside, Hannibal, Marion County, Missouri 63401, as a member of the Missouri Agricultural and Small Business Development Authority, for a term ending June 30, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 20, 2005

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:

Albert M. Spradling III, Democrat, 842 Karau, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2011, and until his successor is duly appointed and qualified; vice, Donald L. Dickerson, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 20, 2005

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:

Gregory A. Steinhoff, 5708 Sundance Street, Columbia, Boone County, Missouri 65203, as the Director of the Missouri Department of Economic Development, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Kelvin Simmons.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 20, 2005

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:

Kathryn J. Swan, Republican, 3926 Annwood, Cape Girardeau, Cape Girardeau County, Missouri, 63701, as a member of the Coordinating Board for Higher Education, Eighth Congressional District, for a term ending June 27, 2010, and until

her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 20, 2005

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:

Gregory Upchurch, Republican, 762 Whispering Meadows, Manchester, St. Louis County, Missouri 63011, as a member of the Coordinating Board for Higher Education, Second Congressional District, for a term ending June 27, 2010, and until his successor is duly appointed and qualified; vice, Dudley Grove, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 20, 2005

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:

Valerie J. White, Republican, 619 Loughmoor Pass, Weldon Springs, St. Charles County, Missouri 63304, as a member of the Missouri Women’s Council, for a term ending December 6, 2007, and until her successor is duly appointed and qualified; vice, Donna Vandiver, term expired.

Respectfully submitted,
MATT BLUNT
Governor

COMMUNICATIONS

Senator Shields submitted the following:

January 20, 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 21st Senatorial District Caucus.

A list of the members is attached.

Sincerely,
/s/ Charlie

Charlie Shields

21st Senatorial District Caucus:

- | | |
|--------------------------------|----------------------------|
| Senator Wm. H. “Bill” Stouffer | Representative Joe Aull |
| Representative Kathy Chinn | Representative Doug Ervin |
| Representative Kenny Jones | Representative Mike McGhee |
| Representative Bob Nance | Representative John Quinn |
| Representative Therese Sander | Representative Todd Smith |

Also,

January 20, 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 Parkland Caucus.

A list of the members is attached.

Sincerely,
/s/ Charlie

Charlie Shields

Parkland Caucus:

- | | |
|---------------------|-----|
| Sen. Kevin Engler | 3 |
| Sen. Jason Crowell | 27 |
| Sen. Rob Mayer | 25 |
| Rep. Rod Jetton | 156 |
| Rep. Steve Tilley | 106 |
| Rep. Brad Robinson | 107 |
| Rep. Belinda Harris | 110 |
| Rep. Ron Casey | 103 |
| Rep. Wes Wagner | 104 |
| Rep. J.C. Kuessner | 152 |
| Rep. Mike Dethrow | 153 |
| Rep. Nathan Cooper | 158 |

Also,

January 20, 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 7th Senatorial Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

7th Senatorial Caucus:

- | | |
|---------------------------------|--------------------------------|
| Senator John Loudon | Representative Jane Cunningham |
| Representative Scott Muschany | Representative Allen Icet |
| Representative Al Liese | Representative Sam Page |
| Representative Charles Portwood | Representative Neal St. Onge |
| Representative Jodi Stefanick | Representative Clint Zweifel |

REPORTS OF STANDING COMMITTEES

On behalf of Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, Senator Taylor submitted the following report:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 176**, begs leave to report that it has considered the same and recommends that the bill do pass.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 213—By Cauthorn.

An Act to repeal sections 374.710, 374.730, 374.783, and 374.786, RSMo, and to enact in lieu thereof four new sections relating to statewide professional association membership.

RESOLUTIONS

Senator Crowell offered Senate Resolution

No. 111, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. John Statler, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 112, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George Heuring, Scott City, which was adopted.

Senator Crowell offered Senate Resolution No. 113, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Roy Holmes, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 114, regarding Charlie Company of the 1140th Engineer Combat Battalion, which was adopted.

COMMUNICATIONS

On behalf of Senator Gibbons, Senator Shields submitted the following:

January 20, 2005

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

Re: Appointment to Sentencing Advisory Commission

Dear Ms. Spieler:

Pursuant to Section 558.019, RSMo 2000, I am appointing Senator Chris Koster to the Sentencing Advisory Commission.

Please contact me if you have any questions regarding this appointment.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Matthew Seeds, Jefferson City.

Senator Kennedy introduced to the Senate, Olivia Trewatha, Lee's Summit.

Senator Klindt introduced to the Senate, Zach Edwards, St. Joseph.

Senator Dolan introduced to the Senate, Doug Bouldin, Troy.

Senator Engler introduced to the Senate, Richard Herbel, City Manager, Ste. Genevieve.

Senator Champion introduced to the Senate, Kara Arnn, De Soto.

Senator Coleman introduced to the Senate, Daniel Britts, Jefferson City.

Senator Koster introduced to the Senate, Robbie McAnnin, Belton.

Senator Shields introduced to the Senate, Merle Weisenborn, Kansas City.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Edmond Weisbart, M.D., St. Louis.

On motion of Senator Shields, the Senate adjourned until 3:00 p.m., Monday, January 24, 2005.

SENATE CALENDAR

TENTH DAY—MONDAY, JANUARY 24, 2005

FORMAL CALENDAR

Unofficial

SECOND READING OF SENATE BILLS

SB 160-Bartle, et al	SB 200-Gross
SB 185-Loudon, et al	SB 201-Green
SB 186-Loudon	SB 202-Crowell
SB 187-Cauthorn and Clemens	SB 203-Dougherty, et al
SB 188-Griesheimer and Gibbons	SB 204-Dougherty, et al
SB 189-Gross	SB 205-Klindt
SB 190-Griesheimer	SB 206-Champion
SB 191-Koster	SB 207-Graham
SB 192-Engler	SB 208-Koster
SB 193-Engler, et al	SB 209-Koster
SB 194-Engler	SB 210-Griesheimer
SB 195-Graham	SB 211-Loudon
SB 196-Ridgeway and Stouffer	SB 212-Loudon
SB 197-Gross	SB 213-Cauthorn
SB 198-Gross	SJR 13-Bartle
SB 199-Gross	

SENATE BILLS FOR PERFECTION

SB 176-Vogel & Mayer

Resolutions

HCR 2-Dempsey (Shields)

HCR 10-Dempsey (Shields)

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Unofficial
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