

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-FIRST DAY—THURSDAY, FEBRUARY 10, 2005

The Senate met pursuant to adjournment.

Senator Bartle in the Chair.

Reverend Carl Gauck offered the following prayer:

“And now my children listen to me: Happy are those who keep my ways.” (Proverbs 8:32)

Almighty God, You have revealed true wisdom for our benefit and as we try to manage our lives as public servants and those who live and maintain a family life, make our will and actions true to You in both spheres. Help us to see how we are missed and needed and be sensitive to those that love us. And help us seek the path that brings us wisdom for daily living and knowledge of You. 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.

Senator Shields announced that photographers from the St. Louis Post Dispatch were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day's proceedings:

Present—Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell

Days	Dolan	Dougherty	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

Absent with leave—Senators—None

Vacancies—2

INTRODUCTION OF BILLS

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

SB 335—By Dougherty.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to the state capitol.

SB 336—By Dougherty and Dolan.

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to A+ school reimbursements.

SB 337—By Crowell.

An Act to repeal sections 483.537 and 483.550, RSMo, and to enact in lieu thereof one new section relating to collection of passport fees.

SB 338—By Gross.

An Act to repeal sections 135.010 and

137.106, RSMo, and to enact in lieu thereof two new sections relating to the homestead preservation tax credit.

SB 339—By Gross.

An Act to repeal section 32.040, RSMo, and to enact in lieu thereof one new section relating to branch offices of the department of revenue.

SB 340—By Kennedy and Koster.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to authorizing the City of St. Louis to use automated traffic control systems.

SB 341—By Bartle.

An Act to repeal sections 197.305, 197.315, 197.317, 197.325, 197.340, 197.345, 197.355, and 197.357, RSMo, and to enact in lieu thereof eight new sections relating to certificate of need.

SB 342—By Bartle.

An Act to repeal section 559.607, RSMo, and to enact in lieu thereof one new section relating to probation services for municipal ordinance violations.

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:

Joseph J. Frank, as a member of the Missouri Veterans' Commission;

Also,

Richard D. LaBore and Kevin S. Cahill, as members of the Bi-State Development Agency of the Missouri-Illinois Metropolitan District;

Also,

Christopher G. Goodson, as a member of the St. Louis City Board of Police Commissioners;

Also,

David Charles Campbell, M.D., M.Ed., as a member of the Drug Utilization Review Board;

Also,

Lawrence "Doyle" Childers, as the Director of the Department of Natural Resources;

Also,

Lawrence "Doyle" Childers, as the member of the Interstate Mining Commission;

Also,

Lawrence "Doyle" Childers, as the member of the Midwest Interstate Low-Level Radioactive Waste Commission;

Also,

Richard H. Dahl, as a member of the Missouri Investment Trust;

Also,

Phillip L. Gould, as a member of the Seismic Safety Commission;

Also,

Glenda Kremer, as a member of the Missouri Planning Council on Developmental Disabilities;

Also,

Gene H. Dexter, Ph.D., as a public member of the Committee for Professional Counselors.

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 Nodler, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 98**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **SBs 1** and **130**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Bartle assumed the Chair.

THIRD READING OF SENATE BILLS

SCS for **SBs 10** and **27**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 10 and 27

An Act to repeal sections 195.017 and 195.417, RSMo, and to enact in lieu thereof two new sections relating to the sale of products containing pseudoephedrine and ephedrine, with penalty provisions and an emergency clause.

Was taken up by Senator Cauthorn.

On motion of Senator Cauthorn, **SCS** for **SBs 10** and **27** was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

On motion of Senator Cauthorn, title to the bill was agreed to.

Senator Cauthorn moved that the vote by which the bill passed be reconsidered.

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

SS for **SCS** for **SBs 1** and **130**, introduced by Senator Loudon, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 1 and 130

An Act to repeal sections 287.020, 287.040, 287.063, 287.067, 287.120, 287.128, 287.129, 287.143, 287.150, 287.170, 287.190, 287.197, 287.215, 287.380, 287.390, 287.420, 287.510, 287.550, 287.715, 287.800, 287.865, and 287.957, RSMo, and to enact in lieu thereof twenty-five new

sections relating to workers' compensation, with penalty provisions.

Was taken up.

On motion of Senator Loudon, **SS** for **SCS** for **SBs 1 and 130** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Callahan	Cauthorn	Champion
Clemens	Crowell	Dolan	Engler
Gibbons	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Taylor	Vogel—23	

NAYS—Senators

Bray	Coleman	Days	Dougherty
Graham	Green	Kennedy	Wheeler
Wilson—9			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

On motion of Senator Loudon, title to the bill was agreed to.

Senator Loudon moved that the vote by which the bill passed be reconsidered.

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

SENATE BILLS FOR PERFECTION

Senator Crowell moved that **SB 202, SB 33, SB 45, SB 183** and **SB 217**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 202, 33, 45, 183** and **217**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 202, 33, 45, 183 and 217

An Act to repeal section 287.845, RSMo, and

to enact in lieu thereof two new sections relating to retirement.

Was taken up.

Senator Crowell moved that **SCS** for **SBs 202, 33, 45, 183** and **217** be adopted.

Senator Graham offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 202, 33, 45, 183 and 217, Page 1, In the Title, Line 3, by inserting immediately after the word “retirement” the following: “, with an emergency clause”; and

Further amend said bill and page, Section 287.813, Line 2, by striking the following: “January 1, 2006”; and inserting in lieu thereof the following: “**the effective date of this act**”; and

Further amend said bill, Page 2, Section 287.845, Line 17, by striking the following: “Effective January 1, 2006”; and inserting in lieu thereof the following: “**As of the effective date of this act**”; and further amend line 22 by striking “January 1, 2006” and insert in lieu thereof “**the effective date of this act**”; and further amend line 29, by inserting after all of said line the following:

“Section B. Because of the state of Missouri’s retirement systems need to maintain the highest level of integrity and fairness, section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section A of this act shall be in full force and effect upon its passage and approval.”.

Senator Graham moved that the above amendment be adopted, which motion prevailed.

Senator Crowell moved that **SCS** for **SBs 202, 33, 45, 183** and **217**, as amended, be adopted, which motion prevailed.

On motion of Senator Crowell **SCS** for **SBs 202, 33, 45, 183** and **217**, as amended, was

declared perfected and ordered printed.

INTRODUCTION OF BILLS

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

SB 343—By Bartle, Shields, Callahan, Griesheimer, Wheeler, Wilson, Kennedy, Coleman and Days.

An Act to repeal sections 99.960 and 135.284, RSMo, section 99.845, as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 289, ninety-second general assembly, first regular session and senate bill no. 235, ninety-second general assembly, first regular session, and section 99.845 as enacted by senate committee substitute for senate bill no. 620, ninety-second general assembly, first regular session, and to enact in lieu thereof three new sections relating to state tax increment financing, with an expiration date.

RE-REFERRALS

President Pro Tem Gibbons re-referred **SB 278** to the Committee on Financial and Governmental Organizations and Elections.

SECOND READING OF SENATE BILLS

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

SB 291—Small Business, Insurance and Industrial Relations.

SB 292—Judiciary and Civil and Criminal Jurisprudence.

SB 293—Pensions, Veterans’ Affairs and General Laws.

SB 294—Transportation.

SB 295—Ways and Means.

SB 296—Education.

SB 297—Education.

SB 298—Education.

SB 299—Education.

SB 300—Economic Development, Tourism and Local Government.

SB 301—Economic Development, Tourism and Local Government.

SB 302—Financial and Governmental Organizations and Elections.

SB 303—Judiciary and Civil and Criminal Jurisprudence.

SB 304—Pensions, Veterans’ Affairs and General Laws.

SB 305—Financial and Governmental Organizations and Elections.

SB 306—Education.

SB 307—Economic Development, Tourism and Local Government.

SB 308—Financial and Governmental Organizations and Elections.

SB 309—Judiciary and Civil and Criminal Jurisprudence.

SB 310—Ways and Means.

SB 311—Commerce, Energy and the Environment.

SB 312—Transportation.

SB 313—Judiciary and Civil and Criminal Jurisprudence.

SB 314—Commerce, Energy and the Environment.

SB 315—Financial and Governmental Organizations and Elections.

SB 316—Aging, Families, Mental and Public Health.

SB 317—Pensions, Veterans’ Affairs and General Laws.

SB 318—Financial and Governmental Organizations and Elections.

SB 319—Pensions, Veterans’ Affairs and General Laws.

SB 320—Judiciary and Civil and Criminal Jurisprudence.

Senator Coleman requested unanimous consent of the Senate to withdraw **SB 328** and **SB 330**, which request was granted.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 288, regarding Delta Companies, Cape Girardeau, which was adopted.

Senator Ridgeway offered Senate Resolution No. 289, regarding Logan K. Hayes, Kansas City, which was adopted.

COMMUNICATIONS

Senator Shields submitted the following:

February 10, 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 Northland Republican Caucus.

A list of the members is attached.

Sincerely,
/s/ Charlie

Charlie Shields

Northland Republican Caucus:

- Senator Charlie Shields
- Senator Luann Ridgeway
- Senator Bill Stouffer
- Representative Doug Ervin
- Representative Tim Flook
- Representative Jerry Nolte
- Representative Jim Guest
- Representative Bob Nance
- Representative Susan Phillips
- Representative Jason Brown

Also,

February 10, 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 South St. Louis Region Bi-Partisan Caucus.

A list of the members is attached.

Sincerely,
/s/ Charlie

Charlie Shields

South St. Louis Region Bi-Partisan Caucus:

- | | |
|--------------------|--------------------|
| Sen. Harry Kennedy | Sen. Pat Dougherty |
| Sen. Maida Coleman | Sen. Mike Gibbons |
| Rep. Fred Kratky | Rep. Mike Vogt |
| Rep. Mike Daus | Rep. Jim Lembke |
| Rep. Pat Yaeger | Rep. Walt Bivins |
| Rep. Sue Schoemehl | Rep. Tim Meadows |
| Rep. Tom Villa | Rep. Jim Avery |

INTRODUCTIONS OF GUESTS

Senator Clemens introduced to the Senate, Bill Redinger, Pleasant Hope.

Senator Nodler introduced to the Senate, Pete Ramsour and Steve Fuller, Joplin.

Senator Scott introduced to the Senate, Craig Burger, Whiteman AFB; and Brenda Parrish and Steve Fox, Walnut Grove.

On behalf of Senator Shields and himself, Senator Klindt introduced to the Senate, Charles and Jean Edwards, St. Joseph.

Senator Nodler introduced to the Senate, Terri Bennett, Joplin.

Senator Purgason introduced to the Senate, Matt Searson, Lebanon.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Douglas Anthony, M.D., Columbia.

On behalf of Senator Dolan and himself, Senator Gross introduced to the Senate, Hal Bartch, Elaine Bastl, Billy Collier, Ernie Dempsey, Ted Dettmer, Doug Funderburk, Bill Guerdan, Anita and Chuck Marley, John McGuire, Janet Woodburn, Mary West, Kathy Lambert and Sheri Builderback, St. Charles County.

Senator Loudon introduced to the Senate, Allison Kenemer and forty-five fourth grade students and parents from Twin Oaks Christian School,

Twin Oaks.

Senator Bray introduced to the Senate, Judy Rice, Wendy Wamhoff, Brittany Garcia, Shannon Funkhouser and eighty fourth grade students from Bridgeway Elementary School, Bridgeton.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, February 14, 2005.

SENATE CALENDAR

TWENTY-SECOND DAY—MONDAY, FEBRUARY 14, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

- SB 321-Shields
- SB 322-Bartle
- SB 323-Bartle
- SB 324-Scott
- SB 325-Bray, et al
- SB 326-Nodler
- SB 327-Scott
- SB 329-Coleman
- SB 331-Coleman
- SB 332-Crowell
- SB 333-Green
- SB 334-Green
- SB 335-Dougherty

- SB 336-Dougherty and Dolan
- SB 337-Crowell
- SB 338-Gross
- SB 339-Gross
- SB 340-Kennedy and Koster
- SB 341-Bartle
- SB 342-Bartle
- SB 343-Bartle, et al
- SJR 14-Klindt
- SJR 15-Coleman
- SJR 16-Gross
- SJR 17-Crowell

SENATE BILLS FOR PERFECTION

SB 98-Champion, et al, with SCS