

# Journal of the Senate

FIRST REGULAR SESSION

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**TWENTY-FIFTH DAY—THURSDAY, FEBRUARY 17, 2005**

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The Senate met pursuant to adjournment.

Ridgeway

Scott

Shields

Stouffer

Senator Mayer in the Chair.

Taylor

Vogel

Wheeler

Wilson—32

Reverend Carl Gauck offered the following prayer:

Absent with leave—Senators—None

“O taste and see that the Lord is good; happy are those who take refuge in him.” (Psalm 34:8)

Vacancies—2

Our Father, You continue to provide us what we need, food for our bodies, work for our minds and love for our hearts for which we are truly grateful. As we finish up our work this day and return to those who love us may we truly express this gratitude to them and to You this weekend in the various ways You provide us. In Your Holy Name we pray. Amen.

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Shields offered Senate Resolution No. 351, regarding Sawyer Daniel Breslow, Platte City, which was adopted.

The Pledge of Allegiance to the Flag was recited.

Senator Shields offered Senate Resolution No. 352, regarding Mathew Kuehl, Platte City, which was adopted.

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

Senator Ridgeway offered Senate Resolution No. 353, regarding Brenda Burchett, Smithville, which was adopted.

The Journal of the previous day was read and approved.

Senator Shields offered Senate Resolution No. 354, regarding Lindsey Williams, Saint Joseph, which was adopted.

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

Senator Nodler offered Senate Resolution No. 355, regarding Harold McCoy, Joplin, which was adopted.

Senator Graham offered Senate Resolution No. 356, regarding Curtis Lane Brown, Columbia, which was adopted.

Senator Klindt offered Senate Resolution No. 357, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. O.C. Steele, Chillicothe, which was adopted.

Senator Klindt offered Senate Resolution No. 358, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Roberts, Rea, which was adopted.

Senator Klindt offered Senate Resolution No. 359, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Melvin Sorenson, Bethany, which was adopted.

Senator Crowell offered Senate Resolution No. 360, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Joe Telker, which was adopted.

Senator Crowell offered Senate Resolution No. 361, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eugene Kester, Jackson, which was adopted.

Senator Shields moved that **SR 332** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **SR 332** was adopted.

President Kinder assumed the Chair.

### INTRODUCTION OF BILLS

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

**SB 368**—By Dougherty, Bray, Days, Wilson, Coleman, Wheeler and Kennedy.

An Act to repeal section 208.151, RSMo, and to enact in lieu thereof one new section relating to Medicaid benefits.

**SB 369**—By Dougherty, Bray, Days, Wilson, Coleman, Wheeler and Kennedy.

An Act to repeal section 376.1209, RSMo, and to enact in lieu thereof one new section relating to insurance coverage for mastectomy.

**SB 370**—By Dougherty, Bray, Days, Coleman, Wheeler, Wilson and Kennedy.

An Act to repeal section 375.001, RSMo, and to enact in lieu thereof two new sections relating to prohibiting certain insurance companies from canceling or nonrenewing insurance policies for claim inquiries, with penalty provisions.

**SB 371**—By Dolan and Bray.

An Act to repeal section 21.145, RSMo, and to enact in lieu thereof two new sections relating to members of the general assembly.

**SB 372**—By Engler, Taylor and Griesheimer.

An Act to repeal sections 300.330 and 307.180, RSMo, and to enact in lieu thereof six new sections relating to bicycle safety, with penalty provisions.

**SB 373**—By Bartle.

An Act to repeal section 287.905, RSMo, and to enact in lieu thereof one new section relating to appointment of new directors to the board of the Missouri employers mutual insurance company.

**SB 374**—By Loudon and Bray.

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

**SB 375**—By Loudon.

An Act to repeal section 104.1090, RSMo, and to enact in lieu thereof one new section relating to retirement benefits for state employees who are military veterans.

**SB 376**—By Loudon.

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to private contractor liability.

**SB 377**—By Loudon and Gibbons.

An Act to repeal section 340.216, RSMo, and to enact in lieu thereof one new section relating to the practice of veterinary medicine.

**SB 378**—By Coleman.

An Act to repeal section 301.301, RSMo, and to enact in lieu thereof two new sections relating to stolen license plate tabs.

**SB 379**—By Coleman, Wheeler, Days, Graham, Bray and Wilson.

An Act to amend chapter 191, RSMo, by adding thereto two new sections relating to the compassionate assistance for rape emergencies act, with penalty provisions.

**SJR 18**—By Bartle, Shields and Nodler.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article IX of the Constitution of Missouri, and adopting one new section relating to the power to determine public school funding.

**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, 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:

Julia M. Eckstein, 1311 Colby Drive, Saint Peters, Saint Charles County, Missouri 63376, as the Director of the Department of Health and Senior Services, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, Richard C. Dunn.

Respectfully submitted,  
MATT BLUNT  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
February 16, 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:

William G. Gillespie, Independent, 7328 Ravinia Drive, Saint Louis, Saint Louis County, Missouri 63121, as a member of the Harris-Stowe State College Board of Regents, for a term ending

July 28, 2010, and until his successor is duly appointed and qualified; vice, William G. Gillespie, withdrawn.

Respectfully submitted,  
MATT BLUNT  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
February 17, 2005

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

The following addendum should be made to the appointment of William J. Luetkenhaus to the Missouri Housing Development Commission submitted on February 16, 2005. Line 1 should be amended as follows:

“William J. Luetkenhaus, Democrat, 742 Hancock Road, Wentzville, Saint Charles”

Respectfully submitted,  
MATT BLUNT  
Governor

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

**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 has taken up and passed **HCS** for **HB 393**, entitled:

An Act to repeal sections 355.176, 408.040, 490.715, 508.010, 508.040, 508.070, 508.120, 510.263, 510.340, 514.060, 516.105, 537.035, 537.067, 537.090, 538.205, 538.210, 538.220, 538.225, 538.230, and 538.300, RSMo, and to enact in lieu thereof twenty-three new sections relating to claims for damages and the payment thereof.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 441**, entitled:

An Act to repeal sections 195.017 and 195.417, RSMo, and to enact in lieu thereof two new sections relating to the scheduling and sale of certain controlled substances, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### REFERRALS

President Pro Tem Gibbons referred **SCR 4** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### 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:

Linda A. Englemann and Linda R. Curbow, as members of the Missouri Board of Examiners for Hearing Instrument Specialists;

Also,

Michelle T. Esswein, as a member of the Missouri Women's Council;

Also,

Charity F. Shelton, as a member of the Missouri Head Injury Advisory Council;

Also,

Richard P. Phillips, as a member of the Central Missouri State University Board of Governors;

Also,

Kathryn J. Swan, as a member of the Coordinating Board for Higher Education;

Also,

Arlene V. McClendon, as a member of the State Board of Barber Examiners;

Also,

Carol Ann Freeman, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Christel H. Johnson, as a member of the Advisory Council for Professional Physical Therapists;

Also,

James M. Harig, as a member of the Amusement Ride Safety Board;

Also,

Cynthia Webb Bald, as a member of the State Board of Cosmetology;

Also,

Teri A. Murray, R.N., Ph.D., as a member of the Missouri State Board of Nursing.

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.

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules,

Joint Rules, Resolutions and Ethics, after examination of **SB 122**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SJR 8**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 13**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 148**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 206**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 270**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

**REFERRALS**

President Pro Tem Gibbons referred **SCS** for **SB 270** to the Committee on Governmental

Accountability and Fiscal Oversight.

**SENATE BILLS FOR PERFECTION**

Senator Cauthorn moved that **SB 225**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 225**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 225**

An Act to repeal sections 260.262, 260.274, 260.342, 260.375, 260.380, 260.391, 260.420, 260.446, 260.475, 260.479, 260.480, 260.481, 260.546, and 260.569, RSMo, and to enact in lieu thereof ten new sections relating to hazardous waste.

Was taken up.

Senator Cauthorn moved that **SCS** for **SB 225** be adopted.

Senator Cauthorn offered **SS** for **SCS** for **SB 225**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 225**

An Act to repeal sections 260.200, 260.262, 260.270, 260.272, 260.273, 260.274, 260.275, 260.276, 260.278, 260.342, 260.375, 260.380, 260.391, 260.420, 260.446, 260.475, 260.479, 260.480, 260.481, 260.546, and 260.569, RSMo, and to enact in lieu thereof eighteen new sections relating to hazardous waste, with penalty provisions.

Senator Cauthorn moved that **SS** for **SCS** for **SB 225** be adopted.

Senator Mayer assumed the Chair.

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

**SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 225, Pages 37 and 38, Section 260.389, Line 29 of page 37 through lines 14 of page 38, by deleting all of

said section; and

Further amend the title and enacting clause accordingly.

Senator Vogel moved that the above amendment be adopted.

At the request of Senator Cauthorn, **SB 225**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

## RESOLUTIONS

Senator Graham offered the following resolution, which was adopted:

### SENATE RESOLUTION NO. 362

WHEREAS, the members of the Missouri Senate hold in high esteem those Show-Me State residents who have devoted their time, energy, knowledge, and skills to improving the quality of life in local communities and neighborhoods through the excellence of their endeavors in the field of public safety; and

WHEREAS, Curtis Lane Brown has attained considerable distinction as a police officer who has served the citizens of Columbia, Missouri, since July 17, 2000, with courage and valor; and

WHEREAS, officer Curtis Brown was injured in the line of duty on January 11, 2005, when he was shot by the fleeing subject of an extensive manhunt who was suspected of critically injuring another police officer the previous day during a routine traffic stop; and

WHEREAS, despite his injuries, officer Curtis Brown subsequently joined a blood drive on January 17, 2005, to assist his wounded colleague, Molly Bowden; and

WHEREAS, holder of an Associate's degree from ITT Technical Institute, officer Curtis Brown brings to his professional labors with the Columbia Police Department a wealth of knowledge and experience which he garnered as a Sergeant with the United States Army during a tour of duty from 1989 to 1994 and as a Corrections Officer with the Missouri Department of Corrections from 1997 to 2000; and

WHEREAS, officer Curtis Brown is a member of the Columbia Black Officers Association who received a Notice of Favorable Occurrence from the Columbia Police Department commending his role in the apprehension of an armed robber and a letter of thanks from the Chief Executive Officer at Mid-Mo Mental Health Center for his help in calming a dangerous patient; and

WHEREAS, officer Curtis Brown is the son of the late Robert C. White and the late Ann E. Brown and the youngest of ten

siblings who include brothers Terry, William, Cale, Delton, and Donald and sisters Valerie, Dana, Juanita, and Katherine:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, join unanimously to applaud the courage, training, professionalism, and community spirit evinced in the life and work of police officer Curtis Brown and to convey to him this legislative body's most heartfelt commendation of his selfless actions in the apprehension of the suspect in the shooting of a fellow police officer and our sincerest best wishes for a speedy and complete recovery from his injuries; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in honor of Curtis Lance Brown of Columbia, Missouri.

President Pro Tem Gibbons assumed the Chair.

Senator Kennedy offered Senate Resolution No. 363, regarding Daniel L. Parker, Saint Louis, which was adopted.

Senator Bartle offered Senate Resolution No. 364, regarding Kyle Anthony Stamper, Grain Valley, which was adopted.

## REPORTS OF STANDING COMMITTEES

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 179**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 138**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 29**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 32**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following report:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 147**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mayer assumed the Chair.

**SECOND READING OF SENATE BILLS**

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

**SB 344**—Judiciary and Civil and Criminal Jurisprudence.

**SB 345**—Small Business, Insurance and Industrial Relations.

**SB 346**—Agriculture, Conservation, Parks and Natural Resources.

**SB 347**—Aging, Families, Mental and Public Health.

**SB 348**—Financial and Governmental Organizations and Elections.

**SB 349**—Small Business, Insurance and Industrial Relations.

**SB 350**—Judiciary and Civil and Criminal Jurisprudence.

**SB 351**—Judiciary and Civil and Criminal Jurisprudence.

**SB 352**—Ways and Means.

**SB 353**—Aging, Families, Mental and Public Health.

**SB 354**—Transportation.

**SB 355**—Financial and Governmental Organizations and Elections.

**SB 356**—Judiciary and Civil and Criminal Jurisprudence.

**SB 357**—Pensions, Veterans' Affairs and General Laws.

**SB 358**—Financial and Governmental Organizations and Elections.

**SB 359**—Aging, Families, Mental and Public Health.

**SB 360**—Ways and Means.

**COMMUNICATIONS**

President Pro Tem Gibbons submitted the following:

February 17, 2005

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

**RE: Appointment to the Tourism Commission**

Dear Terry:

Pursuant to Section 620.455 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senators to the Tourism Commission:

Senator Chuck Gross  
Senator Maida Coleman

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,  
/s/ Michael R. Gibbons  
MICHAEL R. GIBBONS  
President Pro Tem

**INTRODUCTIONS OF GUESTS**

Senator Mayer introduced to the Senate, Bud Hunt, Kennett.

Senator Cauthorn introduced to the Senate, Jeff Hedberg, Centralia; and Linda Geist and Heather Hogg, Monroe City.

Senator Engler introduced to the Senate,

Susan Morton, Farmington.

Senator Callahan introduced to the Senate, the Physician of the Day, Dr. Fred Hahn, M.D., Independence.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, February 21, 2005.

**SENATE CALENDAR**

TWENTY-SIXTH DAY—MONDAY, FEBRUARY 21, 2005

**FORMAL CALENDAR**

**SECOND READING OF SENATE BILLS**

SB 361-Stouffer  
SB 362-Stouffer  
SB 363-Kennedy, et al  
SB 364-Purgason  
SB 365-Mayer, et al  
SB 366-Wheeler  
SB 367-Cauthorn  
SB 368-Dougherty, et al  
SB 369-Dougherty, et al  
SB 370-Dougherty, et al

SB 371-Dolan and Bray  
SB 372-Engler, et al  
SB 373-Bartle  
SB 374-Loudon and Bray  
SB 375-Loudon  
SB 376-Loudon  
SB 377-Loudon and Gibbons  
SB 378-Coleman  
SB 379-Coleman, et al  
SJR 18-Bartle, et al

**HOUSE BILLS ON SECOND READING**

HCS for HB 393

HCS for HB 441

**THIRD READING OF SENATE BILLS**

SCS for SB 270-Scott, et al  
(In Fiscal Oversight)



SENATE BILLS FOR PERFECTION

SB 210-Griesheimer, with SCS

SJR 1-Klindt

SB 179-Griesheimer, et al, with SCS

SB 138-Wheeler, with SCS

SB 29-Dolan, with SCS

SB 32-Bartle, with SCS

SB 147-Cauthorn, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 225-Cauthorn, with SCS, SS for SCS &

SA 1 (pending)

CONSENT CALENDAR

Unofficial  
Senate Bills

Reported 2/14

SB 24-Griesheimer, with SCS

SB 69-Shields and Wheeler, with SCS

SB 70-Shields, with SCS

SB 86-Crowell

SB 99-Champion

SB 174-Vogel

SB 178-Shields

SB 180-Loudon, et al

SB 141-Nodler

SB 100-Champion, with SCS

SB 71-Griesheimer

SB 21-Shields

SB 162-Gross

SB 165-Bartle

SB 123-Bartle

SB 149-Nodler

SB 189-Gross

SB 171-Purgason

Copy  
RESOLUTIONS

Reported from Committee

SCR 2-Cauthorn

SCR 3-Crowell