

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SIXTH DAY—MONDAY, FEBRUARY 21, 2005

The Senate met pursuant to adjournment.

Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Taylor	Vogel	Wheeler	Wilson—32

President Kinder in the Chair.

Reverend Carl Gauck offered the following

prayer:

“We cannot forget history...we will be remembered for good or for ill...we cannot escape the burden nor responsibility.”
(Abraham Lincoln)

Gracious God, on this President’s Day we are mindful of how You have called forth leaders to take us through difficult times and how they are remembered today. Help us be ever mindful of the history we are making and the effect our actions have on the people we serve. Guide and direct our efforts this week and help us always lead with wisdom and discernment. 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 17, 2005, 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
Gibbons	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster

Absent with leave—Senators—None

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 365, regarding Mr. Kohta Fujiwara, Cape Girardeau, which was adopted.

Senator Stouffer offered Senate Resolution No. 366, regarding the birth of Jackson Lane Kouril, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 367, regarding the birth of Colt Van Meinershagen, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 368, regarding the birth of William Xander Fox Goon, Armstrong, which was adopted.

Senator Stouffer offered Senate Resolution No. 369, regarding the birth of Brooks Dean Kreisel, Grain Valley, which was adopted.

Senator Stouffer offered Senate Resolution No. 370, regarding the birth of Aiden Matthew

Burnside, Independence, which was adopted.

Senator Stouffer offered Senate Resolution No. 371, regarding the birth of Nathan Andrew Cockrum, Lathrop, which was adopted.

Senator Stouffer offered Senate Resolution No. 372, regarding the birth of Richard Anthony Jackson, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 373, regarding the birth of Reidan Elleb Ivy Colon, New Franklin, which was adopted.

Senator Stouffer offered Senate Resolution No. 374, regarding the birth of Eathan Andrew Northern, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 375, regarding the birth of Haley Denyce White, Fayette, which was adopted.

Senator Stouffer offered Senate Resolution No. 376, regarding the birth of Oliver Wesley Marsh, Wichita, Kansas, which was adopted.

Senator Stouffer offered Senate Resolution No. 377, regarding the birth of Carson Joseph Henke, Centralia, which was adopted.

Senator Stouffer offered Senate Resolution No. 378, regarding the birth of Sydney Thi Kennedy, Independence, which was adopted.

Senator Stouffer offered Senate Resolution No. 379, regarding the birth of Isabella Carmen Haas, Blue Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 380, regarding the birth of Ariana Leann Lawson, St. Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 381, regarding the birth of Justice LeAnne Oldham, Salisbury, which was adopted.

Senator Stouffer offered Senate Resolution No. 382, regarding the birth of Ryan William Veach, Rayville, which was adopted.

Senator Stouffer offered Senate Resolution No. 383, regarding the birth of Evan Christopher Starr, Liberty, which was adopted.

Senator Stouffer offered Senate Resolution No. 384, regarding the birth of Victoria Lynn Buckner, Belton, which was adopted.

Senator Kennedy offered Senate Resolution No. 385, regarding Steve Reinhold, Oakville, which was adopted.

Senator Kennedy offered Senate Resolution No. 386, regarding Fern de Greeff, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 387, regarding John L. Hendrickson, Chesterfield, which was adopted.

Senator Kennedy offered Senate Resolution No. 388, regarding Phillip Edmond, St. Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 389, regarding the Ninetieth Birthday of Helen Bruner Brunke, Excelsior Springs, which was adopted.

Senators Scott, Shields, Loudon and Purgason offered Senate Resolution No. 390, regarding the Fortieth Birthday of the Honorable Matthew Vincent Bartle, Lee's Summit, which was adopted.

Senator Purgason offered Senate Resolution No. 391, regarding Tim Blake, Lebanon, which was adopted.

Senator Gibbons offered Senate Resolution No. 392, regarding the death of John W. Sinnett, Linn, which was adopted.

Senator Gibbons offered Senate Resolution No. 393, regarding Kimberly Jeske, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 394, regarding Michael Koscielniak, Shrewsbury, which was adopted.

Senator Vogel offered Senate Resolution No. 395, regarding Nathan T. Higgins, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 396, regarding Evelyn Watson Speidel, Jefferson

City, which was adopted.

Senator Stouffer offered Senate Resolution No. 397, regarding the birth of Bailey James Carter, Mt. Vernon, which was adopted.

Senator Stouffer offered Senate Resolution No. 398, regarding Mr. and Mrs. Virgil Leckband, Concordia, which was adopted.

Senator Stouffer offered Senate Resolution No. 399, regarding Jim Edmundson, Brunswick, which was adopted.

Senator Stouffer offered Senate Resolution No. 400, regarding the One Hundredth Birthday of Edward Krone, Higginsville, which was adopted.

Senator Loudon offered Senate Resolution No. 401, regarding Esley Hamilton, University City, which was adopted.

Senator Stouffer offered Senate Resolution No. 402, regarding Art Thaller, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 403, regarding the Ninetieth Birthday of Essie Boone Matthews, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 404, regarding the One Hundred Second Birthday of Serena Cooper, Macon, which was adopted.

Senator Stouffer offered Senate Resolution No. 405, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Hupp, which was adopted.

INTRODUCTION OF BILLS

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

SB 380—By Wheeler.

An Act to repeal section 182.707, RSMo, and to enact in lieu thereof one new section relating to qualifications of the chief executive officer of the urban public library district.

SB 381—By Ridgeway.

An Act to repeal sections 407.1355 and 570.223, RSMo, and to enact in lieu thereof two new sections relating to the use of personal information, with penalty provisions and an emergency clause.

SB 382—By Vogel.

An Act to authorize the conveyance of property owned by the state in Cole County.

SB 383—By Vogel.

An Act to repeal sections 303.026, 303.400, 303.403, 303.406, 303.409, 303.412, and 303.415, RSMo, and to enact in lieu thereof one new section relating to the motor vehicle financial responsibility law.

SB 384—By Scott.

An Act to amend chapter 375, RSMo, by adding thereto one new section relating to reservation of rights.

SB 385—By Scott.

An Act to repeal sections 508.140, 514.060, 516.120, 516.140, and 537.600, RSMo, and to enact in lieu thereof fifteen new sections relating to claims for damages and the payment thereof.

SB 386—By Loudon.

An Act to repeal section 313.812, RSMo, and to enact in lieu thereof six new sections relating to a comprehensive legal and factual study of pathological or serious problem gambling and problem gambling in this state.

SB 387—By Loudon.

An Act to amend chapter 324, RSMo, by adding thereto one new section relating to licensing of excursion gambling boats and slot machines.

SB 388—By Loudon.

An Act to amend chapter 135, RSMo, by adding thereto four new sections relating to the residential treatment agency tax credit act.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 242**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 131**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 211**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 122**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SCS for SB 270**, begs leave to report that it has considered the same and recommends that the bill do pass.

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

Mr. President: Your Committee on Commerce, Energy and Environment, to which was referred **SB 6**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

THIRD READING OF SENATE BILLS

SCS for SB 270, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 270

An Act to repeal sections 30.247, 30.250, 30.260, 30.270, 30.440, 30.750, 30.753, 30.756, 30.758, 30.760, 30.765, 30.767, 30.830, and 30.840, RSMo, and to enact in lieu thereof sixteen new sections relating to the state treasurer, with penalty provisions and an emergency clause.

Was taken up by Senator Scott.

On motion of Senator Scott, **SCS for SB 270** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	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—31	

NAYS—Senators—None

Absent—Senator Coleman—1

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	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—31	

NAYS—Senators—None

Absent—Senator Coleman—1

Absent with leave—Senators—None

Vacancies—2

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

Senator Scott 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

At the request of Senator Griesheimer, **SB 210**, with **SCS**, was placed on the Informal Calendar.

Senator Klindt moved that **SJR 1** be taken up for perfection, which motion prevailed.

Senator Klindt offered **SS** for **SJR 1**, entitled:

**SENATE SUBSTITUTE FOR
SENATE JOINT RESOLUTION NO. 1**

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 47(c) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the parks and soils tax.

Senator Klindt moved that **SS** for **SJR 1** be adopted.

Senator Koster assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Joint Resolution No. 1, Page 1, Section A, Line 9, by inserting after all of said line the following:

“Section 47(a). For the purpose of providing additional monies to be expended and used by the department of natural resources through the state soil and water districts commission as defined in Section 278.070, RSMo, for the saving of the soil and water of this state for the conservation of the productive power of Missouri agricultural **and residential** land, and by the department of natural resources through the division responsible for the State park system for the acquisition, development, maintenance and operation of state parks and state historic sites in accordance with Chapter 253, RSMo, and for the administration of the laws pertaining thereto, an additional sales tax of one-tenth of one percent is hereby levied and imposed upon all sellers for the privilege of selling tangible personal property or rendering taxable services at retail in this state upon the sales and services which now are or hereafter are listed and set forth in, and, except as to the amount of tax, subject to the provisions of and to be collected as provided in the “Sales Tax Law” and subject to the rules and regulations promulgated in connection therewith; and an additional use tax of one-tenth of one percent is levied and imposed for the privilege of storing, using or consuming within this state any article of tangible personal property as set forth and provided in the “Compensating Use Tax Law” and, except as to the amount of the tax, subject to the provisions of and to be collected as provided in the “Compensating Use Tax Law” and subject to the rules and regulations promulgated in connection therewith. In addition, monies deposited in the state parks sales tax fund pursuant to the provisions of section 47(b) of this article shall also be appropriated to make payments to counties for a period of five years for the unimproved value of land for distribution to the appropriate political subdivisions as payment in lieu of real property taxes for privately owned land

acquired by the department of natural resources for park purposes after July 1, 1985, in such amounts as determined by appropriation, but in no event shall such amounts be more than the amount of property tax imposed by political subdivisions at the time the department acquired or acquires such land.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Clemens raised the point of order that SA 1 is out of order as it goes beyond the scope and purpose of the joint resolution.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SA 1 was again taken up.

Senator Green requested that a roll call vote be taken on the adoption of SA 1 and was joined in his request by Senators Days, Coleman, Callahan and Wilson.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dolan	Dougherty	Graham	Green
Wheeler	Wilson—10		

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Engler	Gibbons	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—21			

Absent—Senator Kennedy—1

Absent with leave—Senators—None

Vacancies—2

Senator Klindt moved that SS for SJR 1 be adopted, which motion prevailed.

On motion of Senator Klindt, SS for SJR 1 was declared perfected and ordered printed.

Senator Cauthorn moved that SB 225, with SCS, SS for SCS and SA 1 (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

At the request of Senator Vogel, SA 1 was withdrawn.

SS for SCS for SB 225 was again taken up.

At the request of Senator Cauthorn, SS for SCS for SB 225 was withdrawn.

Senator Cauthorn offered SS No. 2 for SCS for SB 225, entitled:

SENATE SUBSTITUTE NO. 2 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 seventeen new sections relating to hazardous waste, with penalty provisions.

Senator Cauthorn moved that SS No. 2 for SCS for SB 225 be adopted.

Senator Scott assumed the Chair.

At the request of Senator Cauthorn, SB 225, with SCS and SS No. 2 for SCS (pending), was placed on the Informal Calendar.

COMMUNICATIONS

Senator Shields submitted the following:

February 21, 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 on

February 17th, 2005 in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's Bootheel Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie Shields

Charlie Shields

Bootheel Caucus:

Senator Robert Mayer

Representative Mike Dethrow

Representative Gayle Kingery

Representative Rod Jetton

Representative Billy Pat Wright

Representative Peter Myers

Representative Lanie Black

Representative Terry Swinger

Representative Otto Bean, Jr.

Senator Jason Crowell

Also,

February 21, 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 on February 17th, 2005 in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's 4th District Senate Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie Shields

Charlie Shields

4th District Senate Caucus:

Senator Pat Dougherty

Representative Yaphet El-Amin

Representative Rodney Hubbard

Representative Amber Boykins

Representative Connie Johnson

Representative Robin Wright Jones

Representative Rachel Storch

Representative Fred Kratky

Representative Mike Vogt

Representative Mike Daus

Also,

February 21, 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 on February 17th, 2005 in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's Republicans with Prior House Service Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie Shields

Charlie Shields

Republicans with Prior House Service Caucus:

Norma Champion

John E. Griesheimer

Luann Ridgeway

Delbert Scott

Matt Bartle

Carl M. Vogel

Charlie Shields

Jason Crowell

John Loudon

Michael R. Gibbons

Chuck Purgason

Larry Gene Taylor

Kevin Engler

Robert Mayer

David G. Klindt

Jon Dolan

Chuck Gross

Also,

February 21, 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 on February 17th, 2005 in the Senate Lounge. All members present voted to unanimously approve the 93rd General Assembly's Hope for a Cure Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie Shields

Charlie Shields

Hope for a Cure Caucus:

Luann Ridgeway

Jon Dolan

David G. Klindt

Bill Stouffer

Robert Mayer

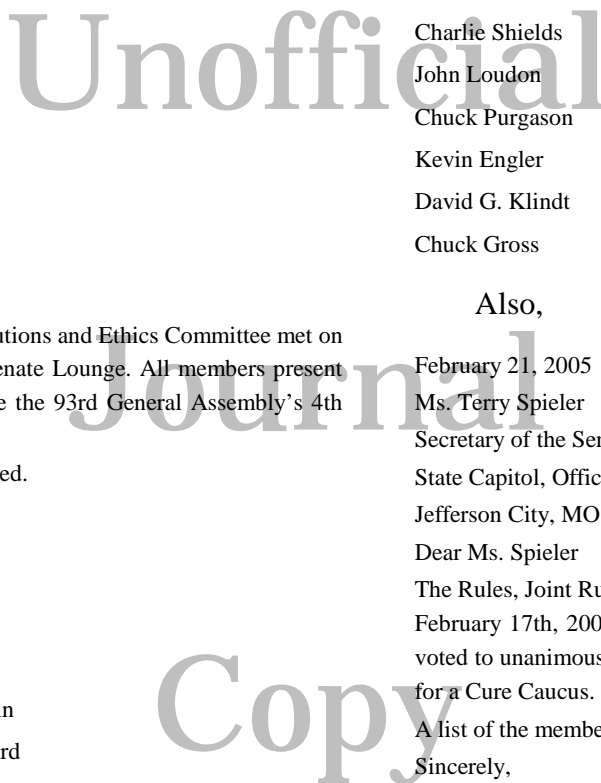
Larry Taylor

Joan Bray

Chuck Graham

Pat Dougherty

Chuck Purgason



Maida J. Coleman	Jason Crowell
Harry Kennedy	Carl M. Vogel
Matt Bartle	Michael R. Gibbons
Timothy P. Green	John E. Griesheimer
John Cauthorn	John Loudon
Charles R. Gross	Victor E. Callahan
Charlie Shields	Rita Heard Days
Chris Koster	Yvonne S. Wilson
Kevin Engler	Gary Nodler
Charles Wheeler	Dan Clemens
Delbert R. Scott	Norma Champion

An Act to repeal section 82.1025, RSMo, and to enact in lieu thereof one new section relating to nuisance actions.

INTRODUCTIONS OF GUESTS

Senator Kennedy introduced to the Senate, Emily Finegar, a student from the University of Missouri, Columbia; and Martha Finegar and Alicia Steinmann, students from Bernard Middle School, St. Louis; and Martha and Alicia were made honorary pages.

Senator Kennedy introduced to the Senate, Helen Finegar, St. Louis.

Senator Gibbons introduced to the Senate, Katie Killian, her daughters, Bridget and Clare and her mother, Sue Newell, Kirkwood; and Bridget and Clare were made honorary pages.

Senator Loudon introduced to the Senate, members of the Seventh Senatorial District Leadership Academy.

Senator Wilson introduced to the Senate, members of the Delta Sigma Theta Sorority, Inc., from around the state.

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

INTRODUCTION OF BILLS

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

SB 389—By Taylor.

An Act to repeal sections 115.635 and 115.637, RSMo, and to enact in lieu thereof two new sections relating to election offenses of the third and fourth classes, with penalty provisions.

SB 390—By Taylor.

An Act to repeal section 301.567, RSMo, and to enact in lieu thereof one new section relating to motor vehicle dealers.

SB 391—By Dougherty, Kennedy and Coleman.

SENATE CALENDAR

TWENTY-SEVENTH DAY—TUESDAY, FEBRUARY 22, 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 382-Vogel
SB 372-Engler, et al	SB 383-Vogel
SB 373-Bartle	SB 384-Scott
SB 374-Loudon and Bray	SB 385-Scott
SB 375-Loudon	SB 386-Loudon
SB 376-Loudon	SB 387-Loudon
SB 377-Loudon and Gibbons	SB 388-Loudon
SB 378-Coleman	SB 389-Taylor
SB 379-Coleman, et al	SB 390-Taylor
SB 380-Wheeler	SB 391-Dougherty, et al
SB 381-Ridgeway	SJR 18-Bartle, et al

HOUSE BILLS ON SECOND READING

HCS for HB 393

HCS for HB 441

Unofficial

SENATE BILLS FOR PERFECTION

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

Journal
INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 210-Griesheimer, with SCS

SB 225-Cauthorn, with SCS & SS#2 for SCS
 (pending)

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CONSENT CALENDAR

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

Reported 2/21

SB 242-Scott
SB 131-Loudon
SB 211-Loudon

SB 122-Nodler
SB 6-Klindt, with SCS

Unofficial
RESOLUTIONS

Reported from Committee

SCR 2-Cauthorn

SCR 3-Crowell

Journal

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