

Journal of the Senate

FIRST REGULAR SESSION

SEVENTY-FIRST DAY—FRIDAY, MAY 20, 2005

The Senate met pursuant to adjournment.
President Pro Tem Gibbons in the Chair.

RESOLUTIONS

On behalf of Senator Alter, Senator Gibbons offered Senate Resolution No. 1524, regarding Sharon Gerber, which was adopted.

On behalf of Senator Alter, Senator Gibbons offered Senate Resolution No. 1525, regarding Karen S. Evans, Festus, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1526, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eldon Jenkins, Macon, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1527, regarding Cayrol Coffman, Callao, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1528, regarding Velda Buhrmester, Wellington, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1529, regarding David Twente, Napoleon, which was adopted.

On behalf of Senator Stouffer, Senator

Gibbons offered Senate Resolution No. 1530, regarding Gail Higginbotham, Independence, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1531, regarding Gil Rector, Lexington, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1532, regarding Vera Toll, Macon, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1533, regarding the late Otto C. Kroge, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1534, regarding the late Everett R. Gant, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1535, regarding the late Sterling Martin "Slim" Casner, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1536, regarding the birth of Calli NaCole King, Odessa, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1537, regarding Billy J. Lent, Atlanta, which was

adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1538, regarding Carmen J. Randolph, Independence, which was adopted.

On behalf of Senator Alter, Senator Gibbons offered Senate Resolution No. 1539, regarding Marty Tidd, Festus, which was adopted.

On behalf of Senator Alter, Senator Gibbons offered Senate Resolution No. 1540, regarding Karen Fine, Festus, which was adopted.

On behalf of Senator Ridgeway, Senator Gibbons offered Senate Resolution No. 1541, regarding Winifred M. Kimsey, Smithville, which was adopted.

On behalf of Senator Purgason, Senator Gibbons offered Senate Resolution No. 1542, regarding Jerry Johnson, West Plains, which was adopted.

Senator Gibbons offered Senate Resolution No. 1543, in memory of Representative Richard Byrd, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 1544, regarding Steven M. Kohner, Kirkwood, which was adopted.

On behalf of Senator Wheeler, Senator Gibbons offered Senate Resolution No. 1545, regarding Jeffrey Peine, which was adopted.

On behalf of Senator Taylor, Senator Gibbons offered Senate Resolution No. 1546, regarding Larry Alan Panhorst, Gerald, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1547, regarding the birth of Mercedes Lynn Summers, Macon, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1548, regarding the birth of Tyler Franklin Miller, Norborne, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1549,

regarding the birth of Tyler Michael Rechterman, Higginsville, which was adopted.

On behalf of Senator Graham, Senator Gibbons offered Senate Resolution No. 1550, regarding the Sesquicentennial Anniversary of the Calvary Episcopal Church, Columbia, which was adopted.

On behalf of Senator Coleman, Senator Gibbons offered Senate Resolution No. 1551, regarding Faye Ferguson, which was adopted.

On behalf of Senator Scott, Senator Gibbons offered Senate Resolution No. 1552, regarding Magda Boone Neill, Bolivar, which was adopted.

On behalf of Senator Shields, Senator Gibbons offered Senate Resolution No. 1553, regarding Christopher Keen, Smithville, which was adopted.

On behalf of Senator Shields, Senator Gibbons offered Senate Resolution No. 1554, regarding David Denton, St. Joseph, which was adopted.

On behalf of Senator Shields, Senator Gibbons offered Senate Resolution No. 1555, regarding Tylor Hindry, St. Joseph, which was adopted.

On behalf of Senator Scott, Senator Gibbons offered Senate Resolution No. 1556, regarding Congressman Roy D. Blunt, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1557, regarding the birth of Cora Faith Adams, New Franklin, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1558, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Buss Korte, Boonville, which was adopted.

On behalf of Senator Stouffer, Senator Gibbons offered Senate Resolution No. 1559, regarding the birth of Evann Maria Witte, which was adopted.

On behalf of Senator Kennedy, Senator Gibbons offered Senate Resolution No. 1560, regarding Katie Maninger, St. Louis, which was

adopted.

On behalf of Senator Crowell, Senator Gibbons offered Senate Resolution No. 1561, regarding Cheryl Crouch, which was adopted.

On behalf of Senator Engler, Senator Gibbons offered Senate Resolution No. 1562, regarding Patricia Gamble, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 1563, regarding Robert Dale “Bob” Ortmeier, Jefferson City, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 1564, regarding Rita Thi Lipskoch, Jefferson City, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 1565, regarding Ashlee Bestgen, Tipton, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 1566, regarding Brice Kuttenkuler, Tipton, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 1567, regarding Kayla James, Tipton, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 1568, regarding Jason Young, California, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 1569, regarding Morgan Clennin, California, which was adopted.

On behalf of Senator Vogel, Senator Gibbons offered Senate Resolution No. 1570, regarding Jessica Rudder, California, which was adopted.

On behalf of Senator Engler, Senator Gibbons offered Senate Resolution No. 1571, regarding Gale Detring, which was adopted.

On behalf of Senator Purgason, Senator Gibbons offered Senate Resolution No. 1572, regarding Sidney Smith, Four Seasons, which was adopted.

On behalf of Senator Purgason, Senator

Gibbons offered Senate Resolution No. 1573, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Gene Wilson, Camdenton, which was adopted.

On behalf of Senator Wilson, Senator Gibbons offered Senate Resolution No. 1574, in memory of Reverend Earl Abel, Kansas City, which was adopted.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS** for **SCS** for **HCS** for **HB 186**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

REPORTS OF STANDING COMMITTEES

Senator Gibbons on behalf of 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, to which were referred **SS** for **SJR 1**; **HCS** for **SCS** for **SBs 10** and **27**; **HCS** for **SB 21**; **HCS** for **SCS** for **SB 24**; **HCS** for **SS** for **SCS** for **SBs 37, 322, 78, 351** and **424**; **HCS** for **SB 38**; **SCS** for **SB 68**; **SB 71**; **SCS** for **SB 73**; **HCS** for **SS** for **SCS** for **SBs 74** and **49**; **HCS** for **SS** for **SB 95**; **HCS** for **SCS** for **SB 100**; **HCS** for **SCS** for **SBs 103** and **115**; **SB 122**; **SB 131**; **SCS** for **SB 133**; **SB 149**; **CCS** for **HCS** for **SCS** for **SB 155**; **SB 156**; **HCS** for **SS** for **SCS** for **SB 168**; **SCS** for **SB 170**; **HCS** for **SB 174**; **CCS** for **HCS** for **SB 177**; **SB 178**; **SS** for **SCS** for **SB 179**; **HCS** for **SCS** for **SB 182**; **HCS** for **SCS** for **SB 196**; **CCS** for **HCS** for **SS** for **SCS** for **SB 210**; **SB 211**; **HCS** for **SB 216**; **HCS** for **SS** for **SCS** for **SB 225**; **CCS** for **HCS** for **SCS** for **SB 233**; **HCS** for **SCS** for **SB 238**; **SCS** for **SB 246**; **SB 254**; **SCS** for **SB 258**; **SB 259**; **SB 261**; **HCS** for **SCS** for **SB 262**; **SCS** for **SB 266**;

SCS for SB 267; HCS for SCS for SB 272; SB 274; SB 279; SB 280; CCS for HCS for SS for SCS for SB 287; SB 288; SCS for SB 289; SB 298; SB 299; SCS for SB 302; SB 306; HCS for SB 307; SB 318; HCS for SB 320; SB 323; CCS for HCS for SS for SB 343; SS for SCS for SB 346; SB 347; HCS for SCS for SB 355; SB 367; HCS for SCS for SB 372; SB 378; SB 394; SB 396; HCS for SB 401; HCS for SS for SB 402; SCS for SB 407; CCS for HCS for SCS for SBs 420 and 344; HCS for SB 422; HCS for SCS for SB 423; SB 431; HCS for SCS for SB 450; SB 453; HCS for SS for SCS for SB 462; SB 480; SB 488; HCS for SB 490; CCS for HCS for SCS for SB 500; SCS for SB 501; SB 507; SB 516; SB 518; SB 521; and CCS for HCS for SS for SCS for SB 237, begs leave to report that it has examined the same and finds that the bills and joint resolution have been duly enrolled and that the printed copies furnished the Senators are correct.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and SS for SJR 1; HCS for SCS for SBs 10 and 27; HCS for SB 21; HCS for SCS for SB 24; HCS for SS for SCS for SBs 37, 322, 78, 351 and 424; HCS for SB 38; SCS for SB 68; SB 71; SCS for SB 73; HCS for SS for SCS for SBs 74 and 49; HCS for SS for SB 95; HCS for SCS for SB 100; HCS for SCS for SBs 103 and 115; SB 122; SB 131; SCS for SB 133; SB 149; CCS for HCS for SCS No. 2 for SB 155; SB 156; HCS for SS for SCS for SB 168; SCS for SB 170; HCS for SB 174; CCS for HCS for SB 177; SB 178; SS for SCS for SB 179; HCS for SCS for SB 182; HCS for SCS for SB 196; CCS for HCS for SS for SCS for SB 210; SB 211; HCS for SB 216; HCS for SS No. 2 for SCS for SB 225; CCS No. 2 for HCS for SCS for SB 233; HCS for SCS for SB 238; SCS for SB 246; SB 254; SCS for SB 258; SB 259; SB 261; HCS for SCS for SB 262; SCS for SB 266; SCS for SB 267; HCS for SCS for SB 272; SB 274; SB 279; SB 280; CCS for HCS for SS for SCS for SB 287; SB 288; SCS for SB 289; SB 298; SB 299; SCS

for SB 302; SB 306; HCS for SB 307; SB 318; HCS for SB 320; SB 323; CCS for HCS for SS for SB 343; SS for SCS for SB 346; SB 347; HCS for SCS for SB 355; SB 367; HCS for SCS for SB 372; SB 378; SB 394; SB 396; HCS for SB 401; HCS for SS for SB 402; SCS for SB 407; CCS for HCS for SCS for SBs 420 and 344; HCS for SB 422; HCS for SCS for SB 423; SB 431; HCS for SCS for SB 450; SB 453; HCS for SS for SCS for SB 462; SB 480; SB 488; HCS for SB 490; CCS for HCS for SCS for SB 500; SCS for SB 501; SB 507; SB 516; SB 518; and SB 521, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bills and joint resolution would be signed by the President Pro Tem to the end that they may become law. No objections being made, the bills and joint resolution were so read by the Secretary and signed by the President Pro Tem.

OBJECTIONS

Senator Stouffer offered the following constitutional objection:

May 10, 2005

Mrs. Terry Spieler

Missouri Senate

State Capitol

Jefferson City, MO 65101

RE: Conference Committee Substitute for HCS/SS/SCS/SB 237.

This is to notify you and others that I hereby am filing a constitutional objection to said bill for the following reasons:

1. That CCS/HCS/SS/SCS/SB 237, by allowing a private cable company to place its lines within the right of way of Missouri's state highways without compensating the owner of the property underlying the right of way, is in violation of Article I, Section 28 of the Bill of Rights of the Missouri Constitution which states that private property shall not be taken for private use without compensation.
2. That CCS/HCS/SS/SCS/SB 237, by allowing a private cable company to place its lines within the right of way of Missouri's state highways without compensating the owner of the property underlying the right of way, grants to a private company a special privilege in violation of Article 3, Section 40(28) of the Missouri Constitution and contrary to the decision of the Missouri Supreme Court in *Planned Industrial Expansion Authority of the City of St.*

Louis v. Southwestern Bell Telephone, 612 S.W. 2d 772 (Mo 1981).

Sincerely,

/s/ Bill Stouffer

Wm. H. "Bill" Stouffer

State Senator, Dist. 21

HCS for **SS** for **SCS** for **SB 237**, having passed both branches of the General Assembly, would be read at length by the Secretary, and the bill would be signed by the President Pro Tem to the end that it may become law. The bill was so read by the Secretary and signed by the President Pro Tem.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **CCS** for

On motion of Senator Gibbons, the Senate adjourned until 12:00 noon, Thursday, May 26, 2005.

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