

Journal of the Senate

FIRST REGULAR SESSION

TENTH DAY—MONDAY, JANUARY 24, 2005

The Senate met pursuant to adjournment.

Ridgeway

Scott

Shields

Stouffer

President Kinder in the Chair.

Taylor

Vogel

Wheeler

Wilson—32

Reverend Carl Gauck offered the following prayer:

Absent with leave—Senators—None

“Do not be conformed to this world, but be transformed by the renewing of your minds, so that you may discern what is the will of God.” (Romans 12:2)

Vacancies—2

The Lieutenant Governor was present.

Almighty God, we begin a new week and ask that we may have uncompromising obedience to what You would have us do here. Bless each of us with Your living word so that we might deal effectively with whatever comes our way. In Your Holy Name we pray. Amen.

RESOLUTIONS

The Pledge of Allegiance to the Flag was recited.

Senator Kennedy offered Senate Resolution No. 116, regarding Diane Laubenthal, St. Louis, which was adopted.

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

Senator Stouffer offered Senate Resolution No. 117, regarding the Ninety-sixth Birthday of Velma Luetta Branstetter Wolfender, Bowling Green, which was adopted.

The Journal for Thursday, January 20, 2005, was read and approved.

Senator Cauthorn offered Senate Resolution No. 118, regarding the One Hundred Sixth Birthday of Wilda May Beamer, Madison, 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 Scott offered Senate Resolution No. 119, regarding the One Hundredth Birthday of Laverta Gatliff, Warsaw, which was adopted.

Senator Crowell offered Senate Resolution No. 120, regarding Warren and Betty Hearnese, Charleston, which was adopted.

Senator Crowell offered Senate Resolution No. 121, regarding James P. “Jim” Limbaugh, Cape Girardeau, which was adopted.

Senator Champion offered Senate Resolution No. 122, regarding Brian Lane Thomas, Springfield, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 123, regarding the One Hundred Twenty-fifth Anniversary of the St. Lucas United Church of Christ, St. Louis, which was adopted.

Senators Nodler, Clemens and Taylor offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 124

WHEREAS, the members of the Missouri Senate were truly saddened to learn of the death of Phillip S. “Phil” Huffman of Hartville on Tuesday, January 11, 2005, at the age of sixty-one; and

WHEREAS, a prominent attorney and civic leader, Phil Huffman was born into the loving family of M.J. and Lylian Huffman and was reared in Hartville, Missouri; and

WHEREAS, Phil Huffman attended the University of Missouri-Columbia where he earned a Juris Doctorate from the School of Law, joined Beta Theta Pi, and met his future wife, Sherry Ryals of Unionville; and

WHEREAS, after graduation Phil Huffman joined the private practice of law in cooperation with his father with additional legal endeavors as City Attorney, Prosecuting Attorney, Associate Circuit Judge, and member of the Legal Services of Southern Missouri Board; and

WHEREAS, Phil Huffman proved to be an invaluable member of the Hartville community through his volunteer efforts with Little League baseball and Lions Club, as a lay minister with the Methodist Church, and as Master of Ceremonies for numerous parades and Fourth of July fireworks displays; and

WHEREAS, Phil Huffman truly enjoyed helping others, fostering a sense of community in his hometown, playing golf, investigating local history, solving puzzles, discussing politics and sports with his sister, Marilyn, opening his home to friends, and playing games; and

WHEREAS, Phil Huffman received a tremendous amount of pleasure from spending time with his family, which grew to include two wonderful children, Hilary and Grierson:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, join unanimously to memorialize the life and work of Phil Huffman and to convey this legislative body’s most heartfelt condolences to

the family members, colleagues, friends, and neighbors who now miss his considerable warmth and light in their daily lives; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of Phillip S. Huffman of Hartville, Missouri.

Senator Champion offered Senate Resolution No. 125, regarding Susan Cole, Springfield, which was adopted.

CONCURRENT RESOLUTIONS

Senator Shields moved that **HCR 2** be taken up for adoption, which motion prevailed.

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

SENATE AMENDMENT NO. 1

Amend House Concurrent Resolution No. 2, appearing on Page 26 of the Senate Journal for Wednesday, January 5, 2005, Column 1, Lines 45-46, by striking the words “10:30 a.m.” and inserting in lieu thereof the following: “**6:45 p.m.**”.

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

On motion of Senator Shields, **HCR 2**, as amended, was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Graham	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Green—1

Absent with leave—Senators—None

Vacancies—2

INTRODUCTION OF BILLS

The following Bills were read the 1st time and

ordered printed:

SB 214—By Scott, Griesheimer, Dolan, Vogel, Graham, Engler, Shields, Loudon, Bartle and Clemens.

An Act to repeal section 192.935, RSMo, and to enact in lieu thereof two new sections relating to vision examinations for school children.

SB 215—By Days, Dougherty, Wilson, Bray and Green.

An Act to amend chapter 362, RSMo, by adding thereto one new section relating to electronic transfer of funds by electronic terminals.

SB 216—By Champion.

An Act to amend chapter 492, RSMo, by adding thereto one new section relating to depositions of state crime laboratory employees.

SB 217—By Gross.

An Act to repeal section 287.845, RSMo, and to enact in lieu thereof two new sections relating to retirement.

SB 218—By Klindt.

An Act to repeal section 392.245, RSMo, and to enact in lieu thereof one new section relating to telecommunications.

SB 219—By Dolan.

An Act to repeal section 143.161, RSMo, and to enact in lieu thereof one new section relating to Missouri dependency exemptions.

SB 220—By Dolan.

An Act to repeal sections 537.600 and 537.610, RSMo, and to enact in lieu thereof two new sections relating to sovereign immunity.

SB 221—By Dolan.

An Act to repeal section 304.015, RSMo, and to enact in lieu thereof one new section relating to the operation of large trucks in certain highway lanes, with penalty provisions.

SENATE BILLS FOR PERFECTION

Senator Vogel moved that **SB 176** be taken up for perfection, which motion prevailed.

Senator Nodler assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 176, Pages 2-4, Section 94.1012, Lines 1-71, by striking all of said section; and further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Dolan, Green, Wheeler and Wilson.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Coleman Days Graham Wilson—4

NAYS—Senators

Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Crowell	Dolan
Dougherty	Engler	Gibbons	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Shields	Stouffer
Taylor	Vogel	Wheeler—27	

Absent—Senator Scott—1

Absent with leave—Senators—None

Vacancies—2

On motion of Senator Vogel, **SB 176** was declared perfected and ordered printed.

REFERRALS

President Pro Tem Gibbons referred the Gubernatorial Appointments appearing on Pages 98-101 of the Senate Journal for Thursday, January 20, 2005, to the Committee on Gubernatorial Appointments.

SECOND READING OF SENATE BILLS

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

SB 160—Judiciary and Civil and Criminal Jurisprudence.

SB 185—Small Business, Insurance and Industrial Relations.

SB 186—Financial and Governmental Organizations and Elections.

SB 187—Agriculture, Conservation, Parks and Natural Resources.

SB 188—Ways and Means.

SB 189—Ways and Means.

SB 190—Financial and Governmental Organizations and Elections.

SB 191—Judiciary and Civil and Criminal Jurisprudence.

SB 192—Commerce, Energy and the Environment.

SB 193—Agriculture, Conservation, Parks and Natural Resources.

SB 194—Judiciary and Civil and Criminal Jurisprudence.

SB 195—Ways and Means.

SB 196—Ways and Means.

SB 197—Education.

SB 198—Judiciary and Civil and Criminal Jurisprudence.

SB 199—Pensions, Veterans' Affairs and General Laws.

SB 200—Economic Development, Tourism and Local Government.

SB 201—Financial and Governmental Organizations and Elections.

SB 202—Pensions, Veterans' Affairs and

General Laws.

SB 203—Aging, Families, Mental and Public Health.

SB 204—Aging, Families, Mental and Public Health.

SB 205—Commerce, Energy and the Environment.

SB 206—Economic Development, Tourism and Local Government.

SB 207—Ways and Means.

SB 208—Aging, Families, Mental and Public Health.

SB 209—Transportation.

SB 210—Economic Development, Tourism and Local Government.

SB 211—Small Business, Insurance and Industrial Relations.

SB 212—Small Business, Insurance and Industrial Relations.

SB 213—Financial and Governmental Organizations and Elections.

SJR 13—Financial and Governmental Organizations and Elections.

RE-REFERRALS

President Pro Tem Gibbons re-referred **SB 131** to the Committee on Small Business, Insurance and Industrial Relations.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SB 176**, 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.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

January 24, 2005

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

RE: Senate Appointment to the Missouri Health Facilities Review Board

Dear Terry:

Pursuant to Section 197.310, RSMo, I am appointing Senator Yvonne Wilson to the Missouri Health Facilities Review Board to replace Senator Mary Bland.

If you have any questions, do not hesitate to contact me.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

INTRODUCTIONS OF GUESTS

Senator Koster introduced to the Senate, Robbie Makinen and his son, Michael Thomas, Independence; and Michael was made an honorary page.

Senator Koster introduced to the Senate, Pastor David Baker, Belton; and Pastor Daniel Boingeanu, Suceava, Romania.

Senator Griesheimer introduced to the Senate, Dr. Ed Obermark, Washington.

Senator Graham introduced to the Senate, Julie Starr and her daughter, Rachel, Columbia.

Senator Stouffer introduced to the Senate, Nathan White, Norborne.

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

Unofficial

SENATE CALENDAR

ELEVENTH DAY—TUESDAY, JANUARY 25, 2005

Journal FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 214-Scott, et al
SB 215-Days, et al
SB 216-Champion
SB 217-Gross

SB 218-Klindt
SB 219-Dolan
SB 220-Dolan
SB 221-Dolan

Copy
THIRD READING OF SENATE BILLS

SB 176-Vogel & Mayer

RESOLUTIONS

HCR 10-Dempsey (Shields)