

Journal of the Senate

FIRST REGULAR SESSION

FIFTEENTH DAY—TUESDAY, FEBRUARY 1, 2005

The Senate met pursuant to adjournment.

Absent with leave—Senators—None

President Kinder in the Chair.

Vacancies—2

Reverend Carl Gauck offered the following

The Lieutenant Governor was present.

prayer:

“The Lord is the strength of His people.” (Psalm 28:8)

Heavenly Father, You are the strength we need each day.

Daily You bring us eternal comfort and a much needed word of hope. Surround us this day with Your guidance and mercy so that we might be about the things You desire for us to accomplish. 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.

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

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 172, regarding Carole Magnus, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 173, regarding the birth of Nathan Tucker Narsh, Ballwin, which was adopted.

Senator Vogel offered Senate Resolution No. 174, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Harry Baker, Holts Summit, which was adopted.

Senator Nodler offered Senate Resolution No. 175, regarding the Centennial Anniversary of the Carthage Public Library, which was adopted.

Senator Champion offered Senate Resolution No. 176, regarding Connie Claybough, Springfield, which was adopted.

Senator Shields moved that **SR 150**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **SR 150** was taken up.

Senator Shields moved that **SCS** for **SR 150** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Resolution No. 150, Page 15, Rule 96, Lines 4-5, by striking all of said lines and inserting in lieu thereof the following: “**computers may be used in the Senate Chamber as**”.

Senator Bartle moved that the above amendment be adopted.

Senator Nodler requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Bray, Callahan, Gross and Wilson.

SA 1 failed of adoption by the following vote:

YEAS—Senators

Bartle	Clemens	Crowell	Dolan
Engler	Klindt	Loudon	Mayer
Purgason	Ridgeway	Scott	Shields
Vogel	Wheeler—14		

NAYS—Senators

Bray	Callahan	Cauthorn	Champion
Coleman	Days	Dougherty	Gibbons
Graham	Green	Griesheimer	Gross
Kennedy	Koster	Nodler	Stouffer
Taylor	Wilson—18		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

Senator Graham offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Resolution No. 150, Page 10, Rule 77, Line 1, by deleting the word “rise” and inserting in lieu thereof the following “**seek recognition in accordance with Rule 76**”; and

Further amend same rule, same page, line 3, by deleting the word “rising” and inserting in lieu thereof “**seeking recognition**”.

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

Senator Bray offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Resolution No. 150, Page 17, Line 23, by deleting the opening bracket before the word “Rule”; and

Further amend said resolution, page 18, line 23, by deleting the closing bracket after the word “rule.”; and

Further amend said resolution, page 17, line 23, by deleting the number “102” and inserting in lieu thereof the number “103”.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Bartle assumed the Chair.

Senator Gross offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Resolution No. 150, Page 15, Rule 96, Line 7, by inserting after the word “Senate.” the following: “**No person shall be allowed to use any electronic device in the Senate Chamber.**”.

Senator Gross moved that the above amendment be adopted.

Senator Gross requested a roll call vote be taken on the adoption of **SA 4** and was joined in his request by Senators Bray, Nodler, Taylor and Wheeler.

SA 4 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Crowell	Days
Graham	Green	Gross	Nodler
Purgason	Taylor	Wheeler	Wilson—12

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Coleman	Dolan	Dougherty	Engler
Gibbons	Griesheimer	Kennedy	Klindt
Koster	Loudon	Mayer	Ridgeway
Scott	Shields	Stouffer	Vogel—20

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

Senator Shields moved that **SCS** for **SR 150**, as amended, be adopted, which motion prevailed.

On motion of Senator Shields, **SR 150**, as amended by the **SCS**, 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

MESSAGES FROM THE HOUSE

The following message was 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 **SB 176**.

Emergency clause adopted.

Bill ordered enrolled.

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

duly enrolled and that the printed copies furnished the Senators are correct.

President Pro Tem Gibbons assumed the Chair.

SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SB 176**, 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.

BILLS DELIVERED TO THE GOVERNOR

SB 176, after having been duly signed by the Speaker of the House of Representatives in open session, was delivered to the Governor by the Secretary of the Senate.

Senator Bartle assumed the Chair.

INTRODUCTION OF BILLS

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

SB 270—By Scott, Taylor, Crowell, Engler, Nodler, Clemens, Loudon, Cauthorn, Griesheimer, Ridgeway, Vogel, Klindt, Mayer, Gibbons, Champion, Koster, Dolan, Purgason, Gross, Bartle, Callahan, Shields and Stouffer.

An Act to repeal sections 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.

SB 271—By Scott, Crowell, Nodler, Clemens, Griesheimer, Stouffer, Loudon, Klindt, Gibbons, Shields, Ridgeway, Champion, Dolan, Purgason, Gross, Cauthorn and Vogel.

An Act to repeal sections 307.178, 355.176, 408.040, 490.715, 508.010, 508.040, 508.070,

508.120, 510.263, 514.060, 516.105, 537.035, 537.067, 537.090, 538.205, 538.210, 538.220, 538.225 and 538.230, RSMo, and to enact in lieu thereof twenty-two new sections relating to claims for damages and the payment thereof, with penalty provisions.

SB 272—By Gross.

An Act to repeal sections 137.073 and 313.820, RSMo, and to enact in lieu thereof two new sections relating to gaming boat admission fee revenue.

SB 273—By Taylor.

An Act to amend chapter 407, RSMo, by adding thereto five new sections relating to cigarette sales, with penalty provisions.

SB 274—By Taylor.

An Act to amend chapter 407, RSMo, by adding thereto five new sections relating to travel clubs, with penalty provisions.

SB 275—By Crowell.

An Act to amend chapter 104, RSMo, by adding thereto one new section relating to consolidation of state employee retirement systems.

SB 276—By Crowell.

An Act to repeal sections 104.010, 104.335, 104.342, 104.344, 104.352, 104.354, 104.378, 104.395, 104.410, 104.450, 104.601, 104.620, 104.800, 104.1003, 104.1012, 104.1015, 104.1021, 104.1024, 104.1027, 104.1030, 104.1042, 104.1072, 104.1205, 104.1215, and 476.682, RSMo, and to enact in lieu thereof twenty-eight new sections relating to the state employees retirement system.

SB 277—By Bray, Dougherty, Graham, Wilson, Coleman, Days, Wheeler, Green, Callahan and Kennedy.

An Act to repeal sections 103.003, 103.005, and 103.036, RSMo, and to enact in lieu thereof three new sections relating to the inclusion of small employers in the state health care plan.

COMMUNICATIONS

Senator Shields submitted the following:

January 31, 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 Friends of the Fighting 26th District Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

Friends of the Fighting 26th District Caucus:

Senator John Griesheimer

Representative Kevin Threlkeld

Representative Brian Nieves

Representative Charles Schlottach

Representative Allen Icet

Representative Mike Sutherland

Representative Jack Jackson

Representative Charles Portwood

Representative Belinda Harris

Representative Harold Selby

Representative Jodi Stefanick

Also,

January 31, 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 St. Louis Regional Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

St. Louis Regional Caucus:

Sen. Joan Bray

Sen. Maida Coleman

Sen. Rita Days

Sen. Jon Dolan	Sen. Pat Dougherty	Sen. Kevin Engler
Sen. Michael Gibbons	Sen. Tim Green	Sen John Griesheimer
Sen. Chuck Gross	Sen. Harry Kennedy	Sen. John Loudon
Rep. Jim Avery	Rep. Carl Bearden	Rep. Walt Bivens
Rep. John Bowman	Rep. Amber Boykins	Rep. Richard Byrd
Rep. Ron Casey	Rep. Marie Chappelle-Nadel	Rep. Michael Corcoran
Rep. Jane Cunningham	Rep. Bruce Darrough	Rep. Mike Daus
Rep. Cynthia Davis	Rep. Tom Dempsey	Rep. Margaret Donnelly
Rep. Yaphett El-Amin	Rep. Sally Faith	Rep. Kathlyn Fares
Rep. Barbara Fraser	Rep. Thomas George	Rep. Belinda Harris
Rep. Esther Haywood	Rep. Wayne Henke	Rep. Theodore Hoskins
Rep. Rodney Hubbard	Rep. Allen Icet	Rep. Jack Jackson
Rep. Connie Johnson	Rep. Robin Wright Jones	Rep. Fred Kratky
Rep. Jim Lembke	Rep. Albert Liese	Rep. Scott Muschany
Rep. Brian Nieves	Rep. Jeannette Mott Oxford	Rep. Sam Page
Rep. Sherman Parker	Rep. Charles Portwood	Rep. Jeff Roorda
Rep. Scott Rupp	Rep. Charles Schlottach	Rep. Vicki Schneider
Rep. Sue Schoemehl	Rep. Joe Smith	Rep. Michael Spreng
Rep. Neal St. Onge	Rep. Jodi Stefanick	Rep. Rachel Storch
Rep. Mike Sutherland	Rep. Kevin Threlkeld	Rep. Thomas Villa
Rep. Michael Vogt	Rep. Wes Wagner	Rep. Gina Walsh
Rep. Juanita Head Walton	Rep. Terry Witte	Rep. Patricia Yaeger
Rep. Clint Zweifel		

Senator Purgason introduced to the Senate, the Wade Rabun Family, Homeschoolers from Hartshorn, and Laney and Stevie were made honorary pages.

Senator Stouffer introduced to the Senate, Don Reed and Bob Vaughan, Salisbury; and David McCartney, Brunswick.

Senator Mayer introduced to the Senate, Adam Kingree, Bloomfield.

Senator Green introduced to the Senate, Joseph and Teresa Carr and their children, Devin, Jenna and Garrett; and Austin Gann, Homeschoolers from Florissant; and Devin and Austin were made honorary pages.

Senator Klindt introduced to the Senate, representatives of Great Northwest Day from Andrew, Atchison, Buchanan, Caldwell, Carroll, DeKalb, Holt, Livingston, Nodaway and Worth Counties.

Senator Shields introduced to the Senate, former State Representatives Norwood Creason, Braymer; and Dan Hegeman, Cosby.

Senator Griesheimer introduced to the Senate, former State Representative Nolan G. McNeill and his wife, Barbara, Cassville.

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

INTRODUCTIONS OF GUESTS

On behalf of Senators Green, Gibbons, Taylor, Gross and himself, Senator Kennedy introduced to the Senate, Reverend Joseph S. Corel, Loose Creek; Dr. Richard Crawford, Mt. Vernon; Dr. Al Kertz, Glendale; Jeanne Stoll, R.N., Florissant; and Kevin Kast, St. Charles.

SENATE CALENDAR

SIXTEENTH DAY—WEDNESDAY, FEBRUARY 2, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 238-Gross
 SB 239-Scott
 SB 262-Griesheimer

SB 263-Griesheimer
 SB 264-Stouffer
 SB 265-Taylor

SB 266-Gibbons

SB 267-Gibbons

SB 268-Gibbons and Coleman

SB 269-Shields and Callahan

SB 270-Scott, et al

SB 271-Scott, et al

SB 272-Gross

SB 273-Taylor

SB 274-Taylor

SB 275-Crowell

SB 276-Crowell

SB 277-Bray, et al

SJR 14-Klindt

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