

# Journal of the Senate

FIRST REGULAR SESSION

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NINETEENTH DAY—TUESDAY, FEBRUARY 8, 2005

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“For darkness shall cover the earth, and thick darkness the peoples; but the Lord will arise upon you, and his glory will appear over you.” (Isaiah 60:2)

Gracious God, we awakened again to a dark and dreary day and we know our need of Your light and its drawing power so we may see the beauty of the day You bring to us even while darkness covers our land. Let Your light lead us along a right pathway so we may serve You as we do our best for all the people of this state and let our actions bring a light of help to those who need it the most. 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.

Senator Bartle assumed the Chair.

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

Absent with leave—Senators—None

Vacancies—2

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 229, regarding the Reverend Stanley B. East, Jr., La Plata, which was adopted.

Senator Stouffer offered Senate Resolution No. 230, regarding the death of Mark Cook, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 231, regarding the birth of Bobby Ray Stapleton, Jr., Columbia, which was adopted.

Senator Cauthorn offered Senate Resolution No. 232, regarding Kingdom Telephone Company, Auxvasse, which was adopted.

Senator Shields offered Senate Resolution No. 233, regarding Lora Mae Steward, Jefferson City, which was adopted.

Senator Stouffer offered Senate Resolution

No. 234, regarding the Ninetieth Birthday of Josephine Blanton, Keytesville, which was adopted.

Senator Stouffer offered Senate Resolution No. 235, regarding the birth of Rachel Kathleen Ancell, Macon, which was adopted.

### INTRODUCTION OF BILLS

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

**SB 318**—By Crowell.

An Act to repeal sections 36.031, 361.170, and 370.107, RSMo, and to enact in lieu thereof three new sections relating to compensation for financial institution regulators.

**SB 319**—By Koster.

An Act to repeal sections 288.045, 288.060, 288.110, 288.121, 288.122, and 288.128, RSMo, and to enact in lieu thereof six new sections relating to employees.

**SB 320**—By Koster.

An Act to repeal sections 429.010 and 429.080, RSMo, and to enact in lieu thereof two new sections relating to mechanic liens.

**SB 321**—By Shields.

An Act to amend chapter 208, RSMo, by adding thereto three new sections relating to the dental carve-out act of 2005.

**SB 322**—By Bartle.

An Act to repeal section 311.310, RSMo, and to enact in lieu thereof one new section relating to social hosts, with penalty provisions.

**SB 323**—By Bartle.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to umbilical cord blood banks.

**SB 324**—By Scott.

An Act to repeal section 166.435, RSMo, and to enact in lieu thereof one new section relating to

a tax deduction for contributions to educational savings programs.

**SB 325**—By Bray, Champion and Days.

An Act to amend chapter 565, RSMo, by adding thereto three new sections relating to domestic assault offenses, with penalty provisions.

### SENATE BILLS FOR PERFECTION

At the request of Senator Loudon, **SB 1** and **SB 130**, with **SCS**, were placed on the Informal Calendar.

Senator Cauthorn moved that **SB 10** and **SB 27**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 10** and **27**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 10 and 27

An Act to repeal sections 195.017 and 195.417, RSMo, and to enact in lieu thereof two new sections relating to the sale of products containing pseudoephedrine and ephedrine, with penalty provisions and an emergency clause.

Was taken up.

Senator Cauthorn moved that **SCS** for **SBs 10** and **27** be adopted.

Senator Cauthorn offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 10 and 27, Page 16, Section 195.017, Line 508, by striking the opening bracket “[” on said line; and further amend line 510, by striking the closing bracket “]” on said line; and further amend said section by renumbering the remaining subdivisions accordingly.

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

Senator Gross assumed the Chair.

Senator Clemens assumed the Chair.

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

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 10 and 27, Page 20, Section 195.417, Line 78, by inserting after said line the following:

**“8. The provisions of this section shall not apply to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form.”**

Senator Graham moved that the above amendment be adopted.

Senator Cauthorn offered **SSA 1** for **SA 2**:

SENATE SUBSTITUTE AMENDMENT NO. 1  
FOR SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 10 and 27, Page 20, Section 195.417, Line 78, by inserting after said line the following:

**“8. The provisions of subsection 1 of this section limiting individuals from purchasing the specified amount in any thirty day period shall not apply to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form. However, any person shall not purchase, receive, or otherwise acquire more than the specified amount of a compound, mixture, or preparation in liquid or liquid-filled gel capsule form in a single purchase as provided in subsection 1 of this section.”**

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

Senator Cauthorn moved that **SCS** for **SBs 10** and **27**, as amended, be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCS** for **SBs 10** and **27**, as amended, was declared perfected and ordered printed.

**RESOLUTIONS**

Senator Stouffer offered Senate Resolution No. 236, regarding the Ninetieth Birthday of Harold Dooley, Norborne, which was adopted.

Senator Coleman offered Senate Resolution No. 237, regarding Sigma-Aldrich Corporation, Saint Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 238, regarding BRK Electrical Contractors, LLC, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 239, regarding Luminomics - Shining Light on Regeneration, St. Louis, which was adopted.

**COMMUNICATIONS**

President Pro Tem Gibbons submitted the following:

February 8, 2005

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

**RE: Appointment of Joint Committee on Missouri Arts Council Trust Fund Board of Trustees**

Dear Terry:

Pursuant to Section 185.100 of the Revised Statutes of Missouri (RSMo 2002), I am reappointing the following senator to the Joint Committee on Missouri Arts Council Trust Fund Board of Trustees:

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

Also,

February 8, 2005

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

**RE: Appointment of Education Commission of the State**

Dear Terry:

Pursuant to Section 173.300 of the Revised Statutes of Missouri

(RSMo 2002), I am appointing the following senator to the Education Commission of the State:

Senator Charles Shields

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

Also,

February 8, 2005

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

**RE: Appointment to the Highway Employees' and Highway Patrol Retirement System Board of Trustees**

Dear Terry:

Pursuant to Section 104.160 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senator to the Highway Employees' and Highway Patrol Retirement System Board of Trustees:

Senator John Griesheimer

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

Also,

February 8, 2005

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

**RE: Appointment to the Public Employees Deferred Compensation Commission**

Dear Terry:

Pursuant to Section 105.910 of the Revised Statutes of Missouri (RSMo 2002), I am reappointing the following senator to the Public Employees Deferred Compensation Commission:

Senator Michael R. Gibbons

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

Also,

February 8, 2005

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

**RE: Appointment to the Second State Capitol Commission**

Dear Terry:

Pursuant to Section 8.003 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following senator to the Second State Capitol Commission:

Senator Yvonne Wilson

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

Also,

February 8, 2005

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

**RE: Appointment to the Joint Committee on Tax Policy**

Dear Terry:

Pursuant to Section 21.810.1 of the Revised Statutes of Missouri (RSMo 2002), I am reappointing the following senator to the Joint Committee on Tax Policy:

Senator Michael R. Gibbons

I am also appointing Senator Victor Callahan to the Joint Committee on Tax Policy.

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 Champion introduced to the Senate, Professor Lois Shufeldt and Professor Paula Kemp, Southwest Missouri State University, Springfield.

On behalf of Senator Bartle, the President introduced to the Senate, Trey Windham, Overland

Park, Kansas.

On behalf of Senator Coleman and herself, Senator Wilson introduced to the Senate, students from Lincoln University, Daniel Britts, Albert Grieve and Matt Willis, Jefferson City; Jeremy Bradley, Eldon; Marie Isler, Lake Ozark; Seleana Smith, St. Thomas, Virgin Islands; Latesha Stanley, Columbia; and Cliff Thornburg, Huntsville.

Senator Days introduced to the Senate, Dr. Carolyn Mahoney, President of Lincoln University, Jefferson City.

Senator Days introduced to the Senate, members of Alpha Kappa Alpha Sorority, Inc. from around the state.

Senator Cauthorn introduced to the Senate, Keith Stuart, Center; and Keith was made an honorary page.

Senator Purgason introduced to the Senate, Bruce Mitchell and the 10<sup>th</sup> Leadership Camden County Class.

Senator Mayer introduced to the Senate, Ed Dust, Sikeston; Steve McPheters, New Madrid

County; and Janet Coleman, Dexter.

Senator Clemens introduced to the Senate, Dolen Hopkins, Marshfield.

Senator Scott introduced to the Senate, Kelly and Rodney Jensen and their children, Josiah Lydia, Nathaniel, Phillip, Quincey, Kaila, Marissa, Bryce and Emily, Buffalo; and Kaila, Marissa, Bryce and Emily were made honorary pages.

Senator Clemens introduced to the Senate, Jim Clark, Lebanon.

Senator Scott introduced to the Senate, Recorder Carole Poindexter, Polk County; Recorder Stacy Satterfield, Dallas County; Recorder Carole Wilkerson, Cedar County; and Recorder Stacy Atkinson, Webster County.

Senator Koster introduced to the Senate, the Physician of the Day, Dr. Curtis W. Long, M.D., Butler.

Senator Loudon introduced to the Senate, Erik Shelquist and Paul Owens, Maplewood.

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

Unofficial

# Journal

## SENATE CALENDAR

TWENTIETH DAY—WEDNESDAY, FEBRUARY 9, 2005

### FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 291-Mayer, et al  
SB 292-Bray, et al  
SB 293-Bray, et al  
SB 294-Bray  
SB 295-Dolan  
SB 296-Coleman  
SB 297-Coleman

SB 298-Coleman  
SB 299-Coleman  
SB 300-Coleman  
SB 301-Coleman, et al  
SB 302-Coleman  
SB 303-Dougherty, et al  
SB 304-Ridgeway and Shields

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SB 305-Engler  
 SB 306-Purgason  
 SB 307-Purgason  
 SB 308-Purgason  
 SB 309-Wilson  
 SB 310-Champion  
 SB 311-Dolan  
 SB 312-Dolan  
 SB 313-Dolan  
 SB 314-Dolan  
 SB 315-Dolan  
 SB 316-Dolan

SB 317-Mayer, et al  
 SB 318-Crowell  
 SB 319-Koster  
 SB 320-Koster  
 SB 321-Shields  
 SB 322-Bartle  
 SB 323-Bartle  
 SB 324-Scott  
 SB 325-Bray, et al  
 SJR 14-Klindt  
 SJR 15-Coleman  
 SJR 16-Gross

SENATE BILLS FOR PERFECTION

SBs 202, 33, 45, 183 & 217-Crowell,  
 with SCS

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INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 1 & 130-Loudon, et al, with SCS

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