

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-EIGHTH DAY—WEDNESDAY, FEBRUARY 23, 2005

The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

“Wisdom consists in doing the next thing you have to do, doing it with your whole heart and finding delight in doing it.”
(Meister Eckert)

Almighty God, as we race through the day may we put our whole selves into what must be done next and may we always embrace every task with maximum efficiency knowing then we have not wasted our time or energy but have given our best effort, doing it as unto You. And, may we always find joy in whatever occupies our lives, for thus You created us. 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.

Senator Shields announced that photographers from KRCCG-TV were given permission to take pictures in the Senate Chamber today.

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 Vogel offered Senate Resolution No. 407, regarding the Girl Scouts' Heart of Missouri Council, which was adopted.

Senator Vogel offered Senate Resolution No. 408, regarding Janice K. Leivan, Jefferson City, which was adopted.

Senator Wheeler offered Senate Resolution No. 409, regarding Lyle Keith Querry, Kansas City, which was adopted.

Senator Crowell offered Senate Resolution No. 410, regarding Lucas Blattell, Chaffee, which was adopted.

Senator Graham offered Senate Resolution No. 411, regarding Scott W. Shader, Columbia,

which was adopted.

Senator Graham offered Senate Resolution No. 412, regarding Gary W. Meyer, Kansas City, which was adopted.

Senator Graham offered Senate Resolution No. 413, regarding Jesse Lee “Jay” Curry, Jr., Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 414, regarding the One Hundred First Birthday of Charles Jefferson, Columbia, which was adopted.

Senator Dougherty offered Senate Resolution No. 415, regarding the One Hundred First Birthday of Iola Cornelius Henson, St. Louis, which was adopted.

Senator Wilson offered Senate Resolution No. 416, regarding Gabriel Hendren, which was adopted.

Senator Wilson offered Senate Resolution No. 417, regarding Burket Jones, which was adopted.

Senator Wilson offered Senate Resolution No. 418, regarding Jered Maxon, which was adopted.

Senator Wilson offered Senate Resolution No. 419, regarding Matt Stahl, which was adopted.

Senator Wilson offered Senate Resolution No. 420, regarding Seth Snyder, which was adopted.

Senator Wilson offered Senate Resolution No. 421, regarding Sean Patrick Hennessey, Kansas City, which was adopted.

Senator Crowell offered Senate Resolution No. 422, regarding Coach Carroll Williams, Cape Girardeau, which was adopted.

Senator Graham offered Senate Resolution No. 423, regarding the One Hundredth Birthday of Roy L. Reed, Columbia, which was adopted.

Senator Engler offered Senate Resolution No. 424, regarding Clara Grimes, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 425, regarding the One Hundredth Birthday of Pearl Bounds, French Village, which was adopted.

Senator Shields offered Senate Resolution No. 426, regarding Andrew Stephen Bean, Kansas City, which was adopted.

INTRODUCTION OF BILLS

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

SB 403—By Green.

An Act to repeal section 337.500, RSMo, and to enact in lieu thereof one new section relating to the licensing of professional counselors.

SB 404—By Koster.

An Act to repeal sections 488.031, 488.445, and 488.607, RSMo, and to enact in lieu thereof four new sections relating to court costs.

SB 405—By Koster.

An Act to repeal sections 494.430 and 494.432, RSMo, and to enact in lieu thereof two new sections relating to jury service.

SB 406—By Gross.

An Act to repeal section 33.282, RSMo, and to enact in lieu thereof one new section relating to limitations upon issuance and redemption of economic development tax credits.

SB 407—By Mayer.

An Act to repeal section 461.025, RSMo, and to enact in lieu thereof one new section relating to beneficiary deeds.

SB 408—By Ridgeway.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health carriers.

SB 409—By Graham.

An Act to amend chapter 190, RSMo, by adding thereto one new section relating to automated external defibrillators.

SJR 19—By Ridgeway.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 6 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to taxation of veterans' organizations.

REPORTS OF STANDING COMMITTEES

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 252**, 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.

Senator Scott assumed the Chair.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 177**, 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 the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 342**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 179**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SB 179, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 179**

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to cost recovery for utility companies.

Was taken up.

Senator Griesheimer moved that **SCS** for **SB 179** be adopted.

Senator Shields assumed the Chair.

President Kinder assumed the Chair.

Senator Scott assumed the Chair.

At the request of Senator Griesheimer, **SB 179**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Wheeler moved that **SB 138**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SB 138, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 138**

An Act to repeal section 92.402, RSMo, and to enact in lieu thereof one new section relating to taxation for public mass transportation systems.

Was taken up.

Senator Wheeler moved that **SCS** for **SB 138** be adopted, which motion prevailed.

On motion of Senator Wheeler, **SCS** for **SB 138** was declared perfected and ordered printed.

Senator Dolan moved that **SB 29**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SB 29, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 29**

An Act to repeal section 226.527, RSMo, and to enact in lieu thereof one new section relating to outdoor advertising.

Was taken up.

Senator Dolan moved that **SCS** for **SB 29** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 29, Page 2, Section 226.527.4, Line 37, by deleting: “or other approval for any use, structure,”; and all on line 38; and on line 39 “request for rezoning”.

Senator Dougherty moved that the above amendment be adopted.

At the request of Senator Dolan, **SB 29**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Bartle moved that **SB 32**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 32**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 32

An Act to repeal sections 567.080 and 573.503, RSMo, and to enact in lieu thereof ten new sections relating to sexually-oriented businesses, with penalty provisions and a severability clause.

Was taken up.

Senator Bartle moved that **SCS** for **SB 32** be adopted.

Senator Bartle offered **SS** for **SCS** for **SB 32**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 32

An Act to repeal sections 567.080 and 573.503, RSMo, and to enact in lieu thereof ten new sections relating to sexually-oriented businesses, with penalty provisions and a severability clause.

Senator Bartle moved that **SS** for **SCS** for **SB 32** be adopted.

President Kinder assumed the Chair.

At the request of Senator Bartle, **SB 32**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SS for **SJR 1** was placed on the Informal Calendar.

RESOLUTIONS

Senator Klindt offered Senate Resolution No. 427, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Darryle Little, Silver Lake, Kansas, which was adopted.

Senator Klindt offered Senate Resolution No. 428, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Jewell Maize, Pattonsburg, which was adopted.

Senators Coleman and Bray offered Senate Resolution No. 429, regarding Meade Summers, III, and Jerome Glick, which was adopted.

Senator Coleman offered Senate Resolution No. 430, regarding the Old North St. Louis Restoration Group, which was adopted.

Senator Gibbons offered Senate Resolution No. 431, regarding the March of Dimes, which was adopted.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

February 21, 2005

Senator Michael R. Gibbons

President Pro Tem

State Capitol, Room 326

Jefferson City, MO 65101

Dear Senator Gibbons:

I request to be removed from the Joint Committee on Corrections. Your consideration of this request is appreciated. Thank you.

Sincerely,

/s/ Yvonne S. Wilson

Sen. Yvonne Wilson

9th District

INTRODUCTIONS OF GUESTS

Senator Bartle introduced to the Senate, Homeschoolers from Lee’s Summit; and Maddie Lugenbeel, Peter Lazarz, Noah Loethen and Brittany Goforth were made honorary pages.

Senator Koster introduced to the Senate, the Physician of the Day, Dr. Michael L. Fessenden, M.D., Peculiar.

Senator Scott introduced to the Senate, the Physician of the Day, Dr. Susan Burkhart, M.D., Sedalia.

Senator Loudon introduced to the Senate, Dottie Pasley, Chesterfield; Jean Layton and Sylvia Niederschmidt, Ballwin; and Maxine Reisenleiter, St. Louis.

On behalf of Senator Dolan and himself, Senator Gross introduced to the Senate, Michael Ballman, D. Paul Baue, Christina Blake, Steve Brennell, Julie Burkemper, Michele Carley, Jeffrey Chapple, Karen Craven, Heather Dawson, Lisa Dunham, Myles Eaton, Brad Farber, Annie Foncannon, Kenneth Gumper, Robert Hembrook,

Robert Jones, Esther Lauer, April McKinnies, Leslie Miller, Christine Mills, Ann Randolph, Katherine Roth, Scot Schafer, Myron Sheets, Christina Sherman, Larry Shroth, Jeffrey Smith, Scott Tate, Dana Webb, Karen Sieve, Laura Whittaker, Jim Ottomeyer, Rose Mack, Stephen Phelps, Bruce Sowatsky and Sharon Stormer, Vision St. Charles County Leadership.

On behalf of Senator Dolan and himself, Senator Gross introduced to the Senate, Mayor Shawn Brown, Alderman Jerry Hollingsworth, Alderman Terry Hawkins, Alderman Rocky Reitmeyer and Alderman Len Pagano, St. Peters.

Senator Cauthorn introduced to the Senate, Tori Webber and Sharon Schnake, Mexico.

Senator Griesheimer introduced to the Senate, Lori Nolen and sixty fourth grade students from Owensville Elementary School, Owensville.

Senator Graham introduced to the Senate, Todd Sletcher, Columbia.

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

SENATE CALENDAR

TWENTY-NINTH DAY—THURSDAY, FEBRUARY 24, 2005

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

- SB 381-Ridgeway
- SB 382-Vogel
- SB 383-Vogel
- SB 384-Scott
- SB 385-Scott
- SB 386-Loudon
- SB 387-Loudon
- SB 388-Loudon

- SB 389-Taylor
- SB 390-Taylor
- SB 391-Dougherty, et al
- SB 392-Coleman
- SB 393-Stouffer
- SB 394-Nodler
- SB 395-Scott
- SB 396-Crowell

SB 397-Graham
 SB 398-Graham
 SB 399-Bray
 SB 400-Klindt
 SB 401-Kennedy
 SB 402-Gibbons, et al
 SB 403-Green

SB 404-Koster
 SB 405-Koster
 SB 406-Gross
 SB 407-Mayer
 SB 408-Ridgeway
 SB 409-Graham
 SJR 19-Ridgeway

HOUSE BILLS ON SECOND READING

HCS for HB 441

SENATE BILLS FOR PERFECTION

SB 147-Cauthorn, with SCS

Unofficial
 INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SJR 1-Klindt

Journal
 SENATE BILLS FOR PERFECTION

SB 29-Dolan, with SCS & SA 1 (pending)

SB 32-Bartle, with SCS & SS for SCS
 (pending)

SB 179-Griesheimer, et al, with SCS
 (pending)

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 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

Reported 2/23

SB 252-Koster, et al, with SCS
SB 177-Shields

SB 342-Bartle

Unofficial
RESOLUTIONS

Reported from Committee

SCR 2-Cauthorn

SCR 3-Crowell

Journal

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