

Journal of the Senate

FIRST REGULAR SESSION

THIRTY-SEVENTH DAY—THURSDAY, MARCH 10, 2005

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“Saying ‘Yes’ to God’s gift of love and life primarily and above all else means choosing love as a life principle.” (John Powell)

Loving God, as we complete this day’s work and journey back to those we love, let us be thankful for Your teaching us the meaning of loving imperfect people as ourselves so that we might overlook the flaws of others. And help us, Lord, make love our “life principle” expressing it in the varied relationships You have given 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 KRCG-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 Clemens offered Senate Resolution No. 653, regarding Edwin P. Hubble Elementary School, Marshfield, which was adopted.

Senator Crowell offered Senate Resolution No. 654, regarding the 2004-2005 Jackson High School Music Program, which was adopted.

Senator Crowell offered Senate Resolution No. 655, regarding the Perry County Middle School Seventh Grade Girls Basketball Team, Perryville, which was adopted.

Senator Wilson offered Senate Resolution No. 656, regarding the Seventy-fifth Birthday of Ida Marie Hughes, which was adopted.

Senator Wilson offered Senate Resolution No. 657, regarding Raymond Handy, Sr., which was adopted.

Senator Purgason offered Senate Resolution No. 658, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Edward Boer, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 659, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Lester Allen Graff, which was adopted.

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 **SS** for **SCS** for **SB 237**, 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.

Senator Gross, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 14**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

SENATE BILLS FOR PERFECTION

Senator Cauthorn moved that **SB 187** be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

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

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 187, Page 5, Section 640.715, Line 4, by deleting the opening and closing brackets.

Senator Graham moved that the above amendment be adopted.

President Kinder assumed the Chair.

Senator Cauthorn offered **SSA 1** for **SA 1**,

which was read:

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

Amend Senate Bill No. 187, Page 5, Section 640.715, Line 27, by inserting after all of said line the following:

“2. The owner or operator of any class 1B concentrated animal feeding operation shall provide the following information to adjoining property owners:

(1) The number of animals anticipated at such facility;

(2) A general description of the waste handling plan and layout of the facility;

(3) The location and number of acres of such facility; and

(4) The name, address, and telephone number of a contact person for further information as it relates to subdivisions (1) to (3) of this subsection.”; and

Further amend said section by renumbering the remaining subsections accordingly.

Senator Cauthorn moved that the above substitute amendment be adopted.

Senator Graham raised the point of order that **SSA 1** for **SA 1** is out of order as it is not a true substitute amendment, in that it deals with a different subject matter.

The point of order was referred to the President Pro Tem, who ruled it not well taken.

SSA 1 for **SA 1** was again taken up.

Senator Gross assumed the Chair.

Senator Cauthorn moved that **SSA 1** for **SA 1** be adopted, which motion prevailed.

Senator Nodler assumed the Chair.

Senator Clemens assumed the Chair.

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

SENATE AMENDMENT NO. 2

Amend Senate Bill No. 187, Page 4, Section 640.710, Lines 40-45, by striking all of said lines; and further amend said section and page, line 46 by striking all of said line and inserting in lieu thereof the following: “**3.** Except as provided in subsections [3 and] **4 and 5** of this section, the”; and further amend said section, page 5, line 73 by striking the opening and closing brackets; and further renumber the remaining subsections accordingly; and further amend section 640.715, page 5, line 8 by striking “4” and inserting in lieu thereof the following: “**3**”.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Green, Kennedy, Callahan and Wheeler.

SA 2 failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days
Dougherty	Graham	Green	Kennedy
Wheeler	Wilson—10		

NAYS—Senators

Bartle	Cauthorn	Champion	Clemens
Crowell	Dolan	Gibbons	Griesheimer
Gross	Klindt	Koster	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel—21			

Absent—Senator Engler—1

Absent with leave—Senators—None

Vacancies—2

On motion of Senator Cauthorn, **SB 187**, as amended, was declared perfected and ordered printed.

MESSAGES FROM THE HOUSE

The following messages were 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 **HCS No. 2** for **HBs 94 and 185**, entitled:

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to tuition grants for dependents and spouses of military members.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 365**, entitled:

An Act to repeal section 50.535, RSMo, and to enact in lieu thereof one new section relating to the county sheriff’s revolving fund, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 100**, entitled:

An Act to repeal sections 188.015, 188.075, 188.080, and 197.200, RSMo, and to enact in lieu thereof six new sections relating to abortion information, regulations, and services for minors, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 186**, entitled:

An Act to repeal sections 56.060, 56.631, 56.640, 56.650, 56.660, 67.1775, 67.1922, 67.1934, 94.700, 144.518, 184.357, 210.860, and 210.861, RSMo, and to enact in lieu thereof twenty new sections relating to county government, with an emergency clause for a certain section.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 48**, entitled:

An Act to repeal sections 144.518 and 184.357, RSMo, and to enact in lieu thereof three new sections relating to museum and tourism-related activities, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Jeanne M. Lillig-Patterson and Martha L. Boswell, as members of the Coordinating Board for Higher Education;

Also,

Dana D. Thompson, as a member of the Board of Probation and Parole;

Also,

William J. Luetkenhaus, as a member of the Missouri Housing Development Commission;

Also,

Gregory M. Brown, as a member of the Missouri Fire Education Commission;

Also,

Michael D. Geske, as a member of the Missouri Ethanol and Other Renewable Fuel Sources Commission;

Also,

Rodney J. Boyd, as a member of the Lincoln University Board of Curators;

Also,

Linda Hickam-Fountain, D.V.M., as a member of the Missouri Veterinary Medical Board;

Also,

Donald W. McNutt, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees;

Also,

Samuel L. Shipman, as a member of the Corrections Officer Certification Commission.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

RESOLUTIONS

Senator Gross offered Senate Resolution No. 660, regarding Glenda Roe Parker, Florissant, which was adopted.

Senator Gross offered Senate Resolution No. 661, regarding the Commerce Bank, Saint Charles,

which was adopted.

Senator Gross offered Senate Resolution No. 662, regarding James Gregory, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 663, regarding Steve Pope, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 664, regarding Mary Magrew, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 665, regarding Richard Ruffert, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 666, regarding Kevin Bohnert, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 667, regarding Donald Garrison, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 668, regarding Patricia Singley, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 669, regarding Latricia Baldwin, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 670, regarding Ronald Arbuthnot, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 671, regarding John Hoffmann, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 672, regarding Julie Stevens, Saint Charles, which was adopted.

On motion of Senator Shields, the Senate recessed until 2:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Clemens.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 355**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

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

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 539**, begs leave to report that it has considered the same and recommends that the bill do pass.

MESSAGES FROM THE HOUSE

The following messages were 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 **HB 114**, entitled:

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.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to concur in **SS** for **SCS** for **HCS** for **HB 393**, as amended, and request the Senate to recede from its position and failing to do so grant the House a conference thereon.

RESOLUTIONS

Senators Dolan and Gross offered Senate Resolution No. 673, regarding Paul Renaud, O'Fallon, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Loudon introduced to the Senate, Barb Ryan, Liz Morrison, Amber Booth and Sean Edwards, students from Parkway South High School, St. Louis.

Senator Purgason introduced to the Senate, Charlie Erickson, Peace Valley.

Senator Coleman introduced to the Senate, Lynne Nelson and seventy-five seventh and eighth grade students from St. John the Baptist School, St. Louis.

Senator Crowell introduced to the Senate, students from Cape Christian School, Cape

Girardeau.

Senator Klindt introduced to the Senate, the Physician of the Day, Dr. James D. Humphrey, M.D., Mound City.

Senator Engler introduced to the Senate, members of the 1140 National Guard Unit and their families.

Senator Kennedy introduced to the Senate, Melanie Acker, Richard Money, Donna Bowers and Kathy Kresler, St. Louis.

Senator Bray introduced to the Senate, Judy Neely, Mindy Rugger, Julia Graham and sixty-five fourth grade students from Drummond Elementary School, St. Ann.

On motion of Senator Taylor, the Senate adjourned until 4:00 p.m., Monday, March 14, 2005.

SENATE CALENDAR

THIRTY-EIGHTH DAY—MONDAY, MARCH 14, 2005

FORMAL CALENDAR**HOUSE BILLS ON SECOND READING**

HCS for HB 441
HCS for HB 347
HCS for HB 468
HB 248-Pearce
HCS for HB 297
HCS for HB 135
HB 229-Portwood
HB 230-Portwood

HCS for HB 379
HCS#2 for HBs 94 & 185
HCS for HB 365
HB 100-Cunningham, et al
HCS for HB 186
HB 48-Dougherty
HB 114-Johnson (47)

THIRD READING OF SENATE BILLS

SCS for SBs 221, 250 & 256-Dolan
(In Fiscal Oversight)
SB 88-Klindt

SS for SCS for SB 32-Bartle
(In Fiscal Oversight)
SS for SCS for SB 237-Klindt

SENATE BILLS FOR PERFECTION

SB 291-Mayer, et al, with SCS
SB 5-Klindt, with SCS
SB 50-Taylor and Nodler, with SCS
SB 324-Scott, with SCS
SB 152-Wilson, with SCS

SB 160-Bartle, et al
SB 2-Loudon and Gross, with SCS
SB 168-Dolan, et al, with SCS
SB 539-Purgason, et al

HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Gross)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 29-Dolan, with SCS & SA 1 (pending)
SB 185-Loudon, et al, with SA 1 (pending)

SB 225-Cauthorn, with SCS &
SS#2 for SCS (pending)
SB 269-Shields and Callahan, with SCS

CONSENT CALENDAR

Senate Bills
Journal
Reported 2/28

SB 318-Crowell (In Fiscal Oversight)

Reported 3/7

SB 367-Cauthorn
SB 265-Taylor
SB 288-Klindt
SB 289-Engler, with SCS
SB 307-Purgason

SB 364-Purgason
SB 133-Loudon and Gross, with SCS
SB 308-Purgason
SB 28-Dolan, with SCS

Reported 3/8

SB 423-Bartle, with SCS
SB 279-Taylor

SB 422-Bartle
SB 68-Shields, with SCS

SB 298-Coleman
SB 299-Coleman
SB 306-Purgason
SB 155-Mayer, with SCS#2

SB 302-Coleman, with SCS
SB 501-Gibbons, with SCS
SB 182-Scott, with SCS
SB 261-Loudon

**BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES**

In Conference

SS for SCS for SBs 1 & 130-Loudon, with
HCS, as amended

Requests to Recede or Grant Conference

HCS for HB 393, with SS for SCS,
as amended (Scott)
(House requests Senate
recede or grant conference)

Unofficial

RESOLUTIONS

To be Referred

SCR 9-Bray, et al
SCR 10-Scott

Journal

SCR 11-Green

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