

Journal of the Senate

FIRST REGULAR SESSION

FORTY-SEVENTH DAY—TUESDAY, APRIL 5, 2005

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“One with the law is a majority” Calvin Coolidge

Gracious God, help us to never underestimate the little things in life, for You use them, even to confound the wise. Help us be faithful to the little things of life for they have tremendous power. Help us to see that You can use the smallest among us to be of great service to the people of Missouri. And help us to provide laws that give power to the littlest so as to accomplish great things. 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	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

Absent with leave—Senator Koster—1

Vacancies—2

The Lieutenant Governor was present.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 910, regarding the Sixty-seventh Wedding Anniversary of Mr. and Mrs. Delmar Day, Bevier, which was adopted.

Senator Coleman offered Senate Resolution No. 911, regarding Jamie M. Burnett, Arnold, which was adopted.

Senator Bartle offered Senate Resolution No. 912, regarding Mary Ann Hall, which was adopted.

Senator Bartle offered Senate Resolution No. 913, regarding the Seventh Grade Team from Grain Valley Middle School, which was adopted.

Senator Purgason offered Senate Resolution No. 914, regarding the death of Phillip “Phil” S. Huffman, Hartville, which was adopted.

Senator Shields offered Senate Resolution No. 915, regarding Dr. Gayden Carruth, Parkville, which was adopted.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 462**, introduced by Senator Klindt, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 462

An Act to repeal section 393.145, RSMo, and to enact in lieu thereof two new sections relating to certain sewer and water corporations.

Was taken up.

On motion of Senator Klindt, **SS** for **SCS** for **SB 462** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bartle	Bray	Callahan	Cauthorn
Champion	Clemens	Coleman	Crowell
Days	Dolan	Dougherty	Engler
Gibbons	Green	Griesheimer	Gross
Kennedy	Klindt	Loudon	Mayer
Nodler	Purgason	Scott	Shields
Taylor	Vogel	Wilson—27	

NAYS—Senator Ridgeway—1

Absent—Senator Graham—1

Absent with leave—Senators

Koster	Stouffer	Wheeler—3
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Vacancies—2

The President declared the bill passed.

On motion of Senator Klindt, title to the bill was agreed to.

Senator Klindt moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SS for **SCS** for **SB 168**, introduced by Senator Dolan, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 168

An Act to amend chapters 213 and 431, RSMo, by adding thereto eight new sections relating to resolution of disputes concerning alleged defective residential construction, with an effective date for a certain section.

Was taken up.

On motion of Senator Dolan, **SS** for **SCS** for **SB 168** was read the 3rd time and passed by the following vote:

YEAS—Senators			
Bartle	Callahan	Cauthorn	Champion
Clemens	Coleman	Crowell	Days
Dolan	Dougherty	Engler	Gibbons
Graham	Griesheimer	Gross	Kennedy
Klindt	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Taylor	Vogel	Wilson—27	

NAYS—Senators

Bray	Green—2
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Absent—Senators—None

Absent with leave—Senators

Koster	Stouffer	Wheeler—3
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Vacancies—2

The President declared the bill passed.

On motion of Senator Dolan, title to the bill was agreed to.

Senator Dolan moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

Senator Scott assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 468**, with **SCS**, be taken up for perfection, which motion

prevailed.

SCS for SB 468, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 468

An Act to amend chapter 204, RSMo, by adding thereto thirty-four new sections relating to reorganized common sewer districts.

Was taken up.

Senator Griesheimer moved that **SCS for SB 468** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 468, Page 30, Section 204.674, Line 2, by inserting after the word “204.472” the following: “**or to any city not within a county and any county with a charter form of government and with more than one million inhabitants**”.

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

Senator Griesheimer moved that **SCS for SB 468**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS for SB 468**, as amended, was declared perfected and ordered printed.

Senator Dolan moved that **SB 316**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SB 316, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 316

An Act to repeal sections 192.665, 192.667, 197.121, 197.200, 197.205, 197.210, 197.215, 197.220, 197.225, 197.230, and 197.235, RSMo, and to enact in lieu thereof eighteen new sections relating to health care providers, with a penalty provision.

Was taken up.

Senator Dolan moved that **SCS for SB 316** be adopted.

At the request of Senator Dolan, **SB 316**, with **SCS** (pending), was placed on the Informal Calendar.

Senator Champion moved that **SB 75** and **SB 353**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for SBs 75 and 353, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 75 and 353

An Act to repeal section 208.574, RSMo, and to enact in lieu thereof one new section relating to senior prescription drug coverage, with a termination date for a certain section.

Was taken up.

Senator Champion moved that **SCS for SBs 75 and 353** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS for SBs 75 and 353** was declared perfected and ordered printed.

HOUSE BILLS ON SECOND READING

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

HCS No. 2 for HB 232—Aging, Families, Mental and Public Health.

HB 600—Financial and Governmental Organizations and Elections.

HB 450—Economic Development, Tourism and Local Government.

HB 685—Economic Development, Tourism and Local Government.

HB 743—Economic Development, Tourism and Local Government.

REFERRALS

President Pro Tem Gibbons referred **SR 901** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SBs 23** and **51**; and **SB 274**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

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

SENATE BILLS FOR PERFECTION

Senator Clemens moved that **SB 346**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 346**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 346

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to torts and actions for damages.

Was taken up.

Senator Clemens moved that **SCS** for **SB 346** be adopted.

Senator Clemens offered **SS** for **SCS** for **SB 346**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 346

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to immunity for inherently dangerous recreational activities.

President Kinder assumed the Chair.

Senator Crowell assumed the Chair.

Senator Clemens moved that **SS** for **SCS** for **SB 346** be adopted, which motion prevailed.

On motion of Senator Clemens, **SS** for **SCS** for **SB 346** was declared perfected and ordered printed.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 4, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

James A. Divincen, 6711 Saint Tropez Circle, Osage Beach, Camden County, Missouri 65065, as a member of the Tourism Commission, for a term ending January 15, 2009 and until his successor is duly appointed and qualified; vice, Consuela Washington, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

April 5, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Peter D. Kinder, 635 Northwest End Boulevard, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the Missouri Community Service Commission, for a term ending December 15, 2006, and until his successor is duly appointed and qualified; vice, Joseph E. Maxwell, term expired.

Respectfully submitted,
MATT BLUNT
Governor

Also,

OFFICE OF THE GOVERNOR
 State of Missouri
 Jefferson City
 65101
 March 31, 2005

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF
 THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice
 and consent the following appointment:

Sharad P. Parikh, M.D., 11634 West Florissant Avenue,
 Florissant, Saint Louis County, Missouri 63033, as a member of the
 Drug Utilization Review Board, for a term ending October 15,
 2007, and until his successor is duly appointed and qualified; vice,
 Jacquelyn Garrett, term expired.

Respectfully submitted,
 MATT BLUNT
 Governor

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 707**, entitled:

An Act to repeal sections 361.070, 361.080,
 361.262, 361.365, 362.042, 362.107, 362.170,
 362.210, 362.213, 362.215, 362.217, 362.225,
 362.300, 362.305, 362.310, 362.315, 362.520, and
 362.600, RSMo, and to enact in lieu thereof twelve
 new sections relating to banking, with a penalty
 provision.

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 adopted the Conference
 Committee Report on **SCS** for **HCS** for **HB 14**, as
 amended and has taken up and passed **CCS** for
SCS for **HCS** for **HB 14**.

CONFERENCE COMMITTEE REPORTS

Senator Gross, on behalf of the conference
 committee appointed to act with a like committee
 from the House on **SCS** for **HCS** for **HB 14**, as
 amended, moved that the following conference
 committee report be taken up, which motion
 prevailed.

**CONFERENCE COMMITTEE REPORT ON
 SENATE COMMITTEE SUBSTITUTE FOR
 HOUSE COMMITTEE SUBSTITUTE FOR
 HOUSE BILL NO. 14**

The Conference Committee appointed on
 Senate Committee Substitute for House Committee
 Substitute for House Bill No. 14, with Senate
 Amendment 2, begs leave to report that we, after
 free and fair discussion of the differences, have
 agreed to recommend and do recommend to the
 respective bodies as follows:

1. That the Senate recede from its position on
 Senate Committee Substitute for House Committee
 Substitute for House Bill No. 14, as amended.
2. That the House recede from its position on
 House Committee Substitute for House Bill No.
 14.
3. That the attached Conference Committee
 Substitute for Senate Committee Substitute for
 House Committee Substitute for House Bill No.
 14, be truly agreed to and finally passed.

FOR THE SENATE:	FOR THE HOUSE:
/s/ ChuckGross	/s/ Brad Lager
/s/ Gary Nodler	/s/ Allen Icet
/s/ Norma Champion	/s/ Mike Sutherland
/s/ Pat Dougherty	/s/ Wes Shoemyer
/s/ Joan Bray	/s/ Paul Levota

Senator Gross moved that the above
 conference committee report be adopted, which
 motion prevailed 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	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—2

On motion of Senator Gross, **CCS** for **SCS** for **HCS** for **HB 14**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE
FOR SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 14

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2005.

Was read the 3rd time and finally passed 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	Loudon
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Taylor
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—2

The President declared the bill passed.

On motion of Senator Gross, title to the bill was agreed to.

Senator Gross moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 291**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 291**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 291

An Act to repeal sections 290.210, 290.230, 290.250, 290.262, 290.290, 290.300, 290.305, and 290.335, RSMo, and to enact in lieu thereof nine new sections relating to public contracts.

Was taken up.

Senator Mayer moved that **SCS** for **SB 291** be adopted.

Senator Mayer offered **SS** for **SCS** for **SB 291**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 291

An Act to repeal sections 290.210, 290.230, 290.250, 290.262, 290.290, 290.300, 290.305, and 290.335, RSMo, and to enact in lieu thereof nine new sections relating to public contracts.

Senator Mayer moved that **SS** for **SCS** for **SB 291** be adopted.

Senator Shields assumed the Chair.

Senator Crowell assumed the Chair.

At the request of Senator Mayer, **SB 291**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 468**; **SCS** for **SBs 75** and **353**; and **SS** for **SCS** for **SB 346**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 916, regarding Rick Hamby, which was adopted.

Senator Purgason offered Senate Resolution No. 917, regarding the Eightieth Birthday of Bettye Hayes, Houston, which was adopted.

Senator Crowell offered Senate Resolution No. 918, regarding the 2004-2005 Saint Vincent Senior High School Basketball Program, which was adopted.

Senator Crowell offered Senate Resolution No. 919, regarding the 2004-2005 Charleston High School Boys Basketball Team, which was adopted.

Senator Koster offered Senate Resolution No. 920, regarding the Sixty-fourth Birthday of Patricia Koster Thompson, St. Charles, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Bartle introduced to the Senate, Ashley Bright, Blue Springs; and Ashley was made an honorary page.

Senator Bray introduced to the Senate, Sarah Tait, Laura Bleeke and Dr. Teresa Deshields, Clayton; and Sarah and Laura were made honorary pages.

Senator Taylor introduced to the Senate, David and Beth Stefan and their children, Sashanna, Kaelee, Kelton, Dainec, Tawner, Stang, and Tarna, Taneyville; and Dainec and Tawner were made honorary pages.

Senator Kennedy introduced to the Senate,

members of the Missouri Credit Union Association from around the state.

Senator Scott introduced to the Senate, Brenda Peach and fourth grade students from El Dorado Springs Christian School.

Senator Dolan introduced to the Senate, Markus Albers, Daniel Fels, Christian Eggen, and Dietmar Otten, Meppen, Germany; and Chad Eggen and Janette Mehmert, Jefferson City.

Senator Mayer introduced to the Senate, Kirk Monday and Diane Powell, Poplar Bluff.

Senator Mayer introduced to the Senate, the Physician of the Day, Dr. Gene Leroux, M.D., Doniphan.

Senator Gibbons introduced to the Senate, forty-two students and parents from the University of Missouri campuses around the state.

Senator Nodler introduced to the Senate, Glen and Sharon Garrett and Ann Hall, Purdy.

Senator Graham introduced to the Senate, Ian Roth, Steve Goffman and Steve Sternberg, students from the University of Missouri, Columbia.

Senator Bray introduced to the Senate, Dr. Tim Eberlein, Brian Springer and Shirley Johnson, Clayton.

Senator Mayer introduced to the Senate, Lugina Counce and eight third and fourth grade students from Caruthersville Elementary School; and Alyssa Counce, Anne Marie Currie, Tyler Grissom and Elizabeth Stewart were made honorary pages.

Senator Bray introduced to the Senate, Katie Genevose and thirty fourth grade students from Our Lady of the Pillar School, Creve Coeur.

Senator Green introduced to the Senate, Cari and Peggy Schmidt, Rose Sigears, teachers, parents and forty-three eighth grade students from St. Thomas the Apostle School, Florissant.

Senator Purgason introduced to the Senate, students from Willow Springs Elementary School.

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

SENATE CALENDAR

 FORTY-EIGHTH DAY-WEDNESDAY, APRIL 6, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 707-Cunningham (145) and Byrd

THIRD READING OF SENATE BILLS

SS for SB 343-Bartle (In Fiscal Oversight)
 SCS for SB 319-Koster
 SCS for SBs 23 & 51-Griesheimer and
 Kennedy
 SB 274-Taylor

SCS for SB 468-Griesheimer
 SCS for SBs 75 & 353-Champion and
 Wheeler
 SS for SCS for SB 346-Clemens

SENATE BILLS FOR PERFECTION

SB 284-Cauthorn and Clemens, with SCS

SB 272-Gross, with SCS

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 269-Shields

SENATE BILLS FOR PERFECTION

SB 2-Loudon and Gross, with SCS
 SB 5-Klindt, with SCS
 SB 12-Cauthorn and Klindt
 SB 29-Dolan, with SCS & SA 1 (pending)
 SB 50-Taylor and Nodler, with SCS
 SBs 74 & 49-Champion, with SCS
 SB 95-Coleman
 SB 152-Wilson, with SCS
 SB 160-Bartle, et al
 SB 185-Loudon, et al, with SA 1 (pending)

SB 225-Cauthorn, with SCS &
 SS#2 for SCS (pending)
 SB 232-Loudon, et al
 SB 291-Mayer, et al, with SCS & SS for
 SCS (pending)
 SB 316-Dolan, with SCS (pending)
 SB 324-Scott, with SCS
 SB 348-Clemens
 SB 362-Stouffer
 SB 476-Scott