

# Journal of the Senate

FIRST REGULAR SESSION

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**FORTY-EIGHTH DAY—WEDNESDAY, APRIL 6, 2005**

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The Senate met pursuant to adjournment.

Senator Scott in the Chair.

Reverend Carl Gauck offered the following prayer:

“Cast not away your boldness, which hath great recompense of reward.” (Hebrews 10:35)

Heavenly Father, You call us to be co-workers with You in this world and we face difficulties and opposition and even hindrances to the work You would have us do here. Help us to have the resolve we need to face uphill climbs, misunderstandings, and pain in this sometimes very wicked and dangerous world. Help us to be servants to all and pray constantly to You so we may truly be bold and achieve the recompense of faithfulness. 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 the News Tribune 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 Stouffer offered Senate Resolution No. 921, regarding the birth of Allie Brooke Wesley, Alma, which was adopted.

Senator Stouffer offered Senate Resolution No. 922, regarding the birth of Chloe Elizabeth Carrillo, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 923, regarding the death of Anna Elizabeth Newsom, Brunswick, which was adopted.

Senator Stouffer offered Senate Resolution No. 924, regarding the Fifty-fourth Wedding Anniversary of Mr. and Mrs. Paul Shelton, Bosworth, which was adopted.

Senator Stouffer offered Senate Resolution No. 925, regarding the 2004-2005 New Franklin

Lady Bulldogs Basketball Team, which was adopted.

Senator Stouffer offered Senate Resolution No. 926, regarding the death of Rudy Beretta, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 927, regarding the birth of Dalenn Matthew Barker, Kansas City, which was adopted.

Senator Stouffer offered Senate Resolution No. 928, regarding the birth of Joshua Sean Korte, Glasgow, which was adopted.

Senator Stouffer offered Senate Resolution No. 929, regarding the birth of Mariyah Minor, which was adopted.

Senator Stouffer offered Senate Resolution No. 930, regarding Mr. and Mrs. Brian Hemme, which was adopted.

Senator Stouffer offered Senate Resolution No. 931, regarding Debbie Wiswall, Fayette, which was adopted.

Senator Coleman offered Senate Resolution No. 932, regarding the death of Joseph P. Roddy, which was adopted.

**THIRD READING OF SENATE BILLS**

Senator Shields moved that **SS** for **SCS** for **SB 269**, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

President Kinder assumed the Chair.

On motion of Senator Shields, **SS** for **SCS** for **SB 269** was read the 3rd time and passed by the following vote:

YEAS—Senators

|           |             |          |          |
|-----------|-------------|----------|----------|
| Bartle    | Callahan    | Cauthorn | Champion |
| Clemens   | Coleman     | Dolan    | Engler   |
| Gibbons   | Griesheimer | Kennedy  | Klindt   |
| Loudon    | Nodler      | Ridgeway | Scott    |
| Shields   | Taylor      | Vogel    | Wheeler  |
| Wilson—21 |             |          |          |

NAYS—Senators

|      |         |      |           |
|------|---------|------|-----------|
| Bray | Crowell | Days | Dougherty |
|------|---------|------|-----------|

|        |          |             |        |
|--------|----------|-------------|--------|
| Graham | Green    | Gross       | Koster |
| Mayer  | Purgason | Stouffer—11 |        |

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—2

The President declared the bill passed.

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

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

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

**HOUSE BILLS ON SECOND READING**

The following Bill was read the 2nd time and referred to the Committee indicated:

**HB 707**—Financial and Governmental Organizations and Elections.

**REFERRALS**

President Pro Tem Gibbons referred the Gubernatorial Appointments appearing on pages 580 and 581 of the Senate Journal for Tuesday, April 5, 2005, to the Committee on Gubernatorial Appointments.

President Pro Tem Gibbons referred **SCS** for **SBs 75** and **353** to the Committee on Governmental Accountability and Fiscal Oversight.

**SENATE BILLS FOR PERFECTION**

Senator Bartle moved that **SB 160**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Bartle offered **SS** for **SB 160**, entitled:

**SENATE SUBSTITUTE FOR  
SENATE BILL NO. 160**

An Act to amend chapters 191 and 196,

RSMo, by adding thereto two new sections relating to human cloning, with penalty provisions.

Senator Bartle moved that **SS** for **SB 160** be adopted.

At the request of Senator Bartle, **SB 160**, with **SS** (pending), was placed on the Informal Calendar.

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 President Kinder.

### RESOLUTIONS

Senator Crowell offered Senate Resolution No. 933, regarding Maria Esswein, which was adopted.

Senator Crowell offered Senate Resolution No. 934, regarding Amber King, which was adopted.

Senator Crowell offered Senate Resolution No. 935, regarding Elizabeth Rozier, which was adopted.

Senator Crowell offered Senate Resolution No. 936, regarding Lynn Zoellner, which was adopted.

Senator Crowell offered Senate Resolution No. 937, regarding Sarah Hahn, which was adopted.

Senator Crowell offered Senate Resolution No. 938, regarding Nicole Cavins, which was adopted.

Senator Crowell offered Senate Resolution No. 939, regarding Lacie Ellsworth, which was adopted.

Senator Crowell offered Senate Resolution No. 940, regarding Kailyn Petzoldt, which was adopted.

Senator Crowell offered Senate Resolution No. 941, regarding Kristen Wengert, which was

adopted.

Senator Crowell offered Senate Resolution No. 942, regarding Jessica Zoellner, which was adopted.

Senator Crowell offered Senate Resolution No. 943, regarding Katie Karnes, which was adopted.

Senator Crowell offered Senate Resolution No. 944, regarding Sarah McDonald, which was adopted.

Senator Crowell offered Senate Resolution No. 945, regarding Morgan Ruppel, which was adopted.

Senator Crowell offered Senate Resolution No. 946, regarding Rita Jo Dimberger, which was adopted.

Senator Crowell offered Senate Resolution No. 947, regarding Allison Essner, which was adopted.

Senator Crowell offered Senate Resolution No. 948, regarding Sarah Huber, which was adopted.

Senator Crowell offered Senate Resolution No. 949, regarding Alison Martin, which was adopted.

Senator Crowell offered Senate Resolution No. 950, regarding Laura Muir, which was adopted.

Senator Crowell offered Senate Resolution No. 951, regarding Whitney Ostendorf, which was adopted.

Senator Crowell offered Senate Resolution No. 952, regarding Kaitlyn Scheeter, which was adopted.

Senator Crowell offered Senate Resolution No. 953, regarding Kelsey Marie Scheeter, which was adopted.

Senator Crowell offered Senate Resolution No. 954, regarding Rachael Weidenbenner, which was adopted.

Senator Champion offered Senate Resolution No. 955, regarding the 2004-2005 Southwest Missouri State University Lady Bears Basketball Team, which was adopted.

Senator Stouffer offered Senate Resolution No. 956, regarding Jeri Bowen, Excelsior Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 957, regarding Lacey Harper, Carrollton, which was adopted.

Senator Stouffer offered Senate Resolution No. 958, regarding Whitney Martens, Richmond, which was adopted.

Senator Stouffer offered Senate Resolution No. 959, regarding the National Guard Unit, Lexington, which was adopted.

Senator Graham offered Senate Resolution No. 960, regarding Robert Corcoran, which was adopted.

Senator Purgason offered Senate Resolution No. 961, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Everett Vandergrift, Lebanon, which was adopted.

Senator Green offered Senate Resolution No. 962, regarding Philip Kent Cooper, Florissant, which was adopted.

Senator Purgason offered Senate Resolution No. 963, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George Kuse, Camdenton, which was adopted.

Senator Vogel offered Senate Resolution No. 964, regarding Kristen Shively, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 965, regarding Morgan Brown, Auxvasse, which was adopted.

#### 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 738**, entitled:

An Act to repeal section 339.515, RSMo, and to enact in lieu thereof one new section relating to real estate appraisers, 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 House Committee Substitute for House Joint Resolution No. 16, entitled:

An Act submitting to the qualified voters of Missouri an amendment repealing section 47(c) of article IV of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the parks and soils tax.

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 394**, entitled:

An Act to repeal sections 383.010, 383.035, 383.079, 383.105, 383.160, 383.165, and 538.230, RSMo, and to enact in lieu thereof twenty-three new sections relating to insurance for health care providers in Missouri.

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 388**, entitled:

An Act to amend chapters 374 and 375, RSMo, by adding thereto eight new sections relating to insurance compliance audits.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### SENATE BILLS FOR PERFECTION

Senator Bartle moved that **SB 160**, with **SS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SS** for **SB 160** was again taken up.

Senator Nodler assumed the Chair.

Senator Crowell assumed the Chair.

At the request of Senator Bartle, **SB 160**, with **SS** (pending), was placed on the Informal Calendar.

### 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** for **HB 64**, entitled:

An Act to repeal section 144.049, RSMo, and to enact in lieu thereof one new section relating to a sales tax holiday, 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 700**, entitled:

An Act to repeal sections 217.690 and 565.092, RSMo, and to enact in lieu thereof three new sections relating to the department of corrections, 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 **HBs 518, 288, 418** and **635**, entitled:

An Act to repeal sections 210.104, 210.106, 210.107, 304.015, 304.016, 304.155, 304.580, 307.178, and 476.385, RSMo, and to enact in lieu thereof eleven new sections relating to highway safety, with penalty provisions and an effective date.

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 **HCR 11**.

#### HOUSE CONCURRENT RESOLUTION NO. 11

Whereas, citizens have a right, protected by the Second Amendment to the United States Constitution, to keep and bear arms; and

Whereas, lawsuits have been commenced against manufacturers, distributors, dealers, and importers of firearms that operate as designed and intended, which seek money damages and other relief for the harm caused by the misuse of firearms by third parties, including criminals; and

Whereas, the manufacture, importation, possession, sale, and use of firearms and ammunition in the United States are heavily regulated by federal, state, and local laws, including the Gun Control Act of 1968, the National Firearms Act, and the Arms Export Control Act; and

Whereas, businesses in the United States that are engaged in interstate and foreign commerce through the lawful design, manufacture, marketing, distribution, importation, or sale to the

public of firearms or ammunition that has been shipped or transported in interstate or foreign commerce are not, and should not, be liable for the harm caused by those who criminally or unlawfully misuse firearm products or ammunition products that function as designed and intended; and

Whereas, thirty-three states have passed legislation protecting firearms and ammunition manufacturers, and legislation in Congress supporting this measure has broad bipartisan support:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-third General Assembly, First Regular Session, the Senate concurring therein, hereby request our elected Representatives and Senators in the United States Congress to end the abuse of tort laws against the firearms industry; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for each member of the Missouri Congressional Delegation.

In which the concurrence of the Senate is respectfully requested.

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 **SCS** for **SBs 202, 33, 45, 183** and **217**, entitled:

An Act to repeal section 287.845, RSMo, and to enact in lieu thereof two new sections relating to retirement, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

### INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Tony Dinolfo, Gary Adkins and Heath Kennedy, Crystal City; Arthur Frey, Homer Boyer, Daniel Doenges, Kelly Marlow, David Bittick and Kevin Nesselhauf, Festus; Lauren Reifschneider, Bonne Terre; Jessica Whorton, Hillsboro; and Jennifer Kile, Imperial.

Senator Vogel introduced to the Senate, representatives of the American Red Cross from around the state.

Senator Vogel introduced to the Senate, Kennon Choate and Brandon Weilert and nominees for Youth of the Year for Boys and Girls Clubs of the Capital City, Jefferson City.

Senator Graham introduced to the Senate, Larry Rodgers, Moberly.

Senator Bartle introduced to the Senate, Denise and Caroline Mashburn, Terry and Kara Land, Jordan Smith and Alisha Bellasario, Lee's Summit.

Senator Koster introduced to the Senate, Gerald Newman, Matt Goforth, Scott Siegfried, Janet Akers, Susan Bernt, Carl Elliot, Marty Shook and Andy Atzenweiler, members of the Missouri Cattlemens' Association.

Senator Shields introduced to the Senate, Bill Freund and eighth grade students from St. Therese North, Parkville; and Emily Spirk, Katherine Suman, Katy Hoverder and Julia Martino were made honorary pages.

Senator Kennedy introduced to the Senate, eighth grade students from St. Margaret Mary Alacoque, St. Louis.

Senator Loudon introduced to the Senate, the Physician of the Day, Dr. Chris Erkmann, M.D., Chesterfield.

Senator Loudon introduced to the Senate, Bayley and Jerry Flint, Chesterfield; and Bayley was made an honorary page.

Senator Stouffer introduced to the Senate, Howard Hardecke, Bolivar; Kent Sanders, Rayville; Steve Willard, Willow Springs; and Luke Rhode, Boonville.

On behalf of Senator Shields and himself, Senator Klindt introduced to the Senate, members of American Legion State Youth Government Day: Terry Coult, Amber Parker, Trent Figg and Ken Stull, Chillicothe; Rachel Crider, Lawren and Jill Haer and Khrystyne Steins, Holt County; Amber Lewis, Kyle Parrish and Rachel McEnaney, Atchison County; Morgan Wilson, Platte County; David Kosminski, Jessie Hall and Stanley

Stubblefield, Andrew County; and Kaitlyn Woods, Megan Brandt, Derek Bloom, Chandra Binns, Valysa Downing and Sara Beth Workman, Nodaway County.

Senator Clemens introduced to the Senate, Beth and Weston Walker, Springfield.

Senator Nodler introduced to the Senate, Nancy Brown, Lori Blythe and Louis McReynolds, Joplin.

On behalf of Senator Engler and himself, Senator Kennedy introduced to the Senate, Steve and Pat Markus, Vivian Farrell and Kurt Poepsel, St. Louis.

Senator Greisheimer introduced to the Senate, Susan McGlynn, St. Clair; Brenda Moran, New Haven; and Charlotte Baxter, Dr.VeAnn Telsen and Ed Kramme, Union.

Senator Gibbons introduced to the Senate, forty-four fifth and sixth grade students from Holy Redeemer School, Webster Groves; and Logan Bice, Maggie Krewet, Ben Lenzini and Christina

Zor were made honorary pages.

Senator Griesheimer introduced to the Senate, Alissa Long, DeSoto; and Amber Gonzalez, Montgomery City.

Senator Klindt introduced to the Senate, seven eighth grade students from Bishop Hogan Catholic School, Chillicothe.

Senator Bray introduced to the Senate, Piama Edwards, St. Louis.

Senator Shields introduced to the Senate, Rachel Cox and Christen Turner, St. Joseph.

Senator Koster introduced to the Senate, Danee Douglas, David Martin, Ian Kreher, Baillie James, Warrensburg High School; Adam Baumgarden and Laura Andreas, Kingsville High School; Brett Nelson and Heidi Clark, Chilhowee High School; Courtney Robinson and Cody Korson, Leeton High School; and Alex Clark and Jessica Barkas, Knob Noster High School.

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

SENATE CALENDAR

Journal  
FORTY-NINTH DAY—THURSDAY, APRIL 7, 2005

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 738-Behnen  
HCS for HJR 16  
HCS for HB 394  
HCS for HB 388

Copy  
HCS for HB 64  
HB 700-Moore, et al  
HCS for HBs 518, 288, 418 & 635

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 (In Fiscal Oversight)

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

#### 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, with SS (pending)

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

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#### SENATE BILLS WITH HOUSE AMENDMENTS

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

#### RESOLUTIONS

To be Referred

HCR 11-Sander, et al