

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FIFTH DAY—THURSDAY, FEBRUARY 16, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"...For the Lord your God is with you wherever you go."
(Joshua 1:9)

Almighty God, as we finish up our work this day, help us to be mindful that You have given us this day to use that we might be helpful to others. Make us mindful of our responsibilities as we drive through the state today; to be courteous and drive carefully and not endanger others and help us be aware of others on our roads who are often dangerous and thoughtless, all so that we can return safely to those who love 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.

The following Senators were present during the day's proceedings:

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt

Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

Absent—Senators—None

Absent with leave—Senator Dougherty—1

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 2072, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Bob Heil, Richmond, which was adopted.

Senator Stouffer offered Senate Resolution No. 2073, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Bill Meierer, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 2074, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Kenneth Burnam, Macon, which was adopted.

Senator Stouffer offered Senate Resolution No. 2075, regarding the Boonville Council 1061 Knights of Columbus, which was adopted.

Senator Engler offered Senate Resolution No. 2076, regarding Henry Francis, Farmington, which was adopted.

Senator Klindt offered Senate Resolution No. 2077, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Carlin Sperry, Pattonsburg, which was adopted.

Senator Klindt offered Senate Resolution No. 2078, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Leonard Deweese, Rea, which was adopted.

Senator Klindt offered Senate Resolution No. 2079, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard Gilpatrick, Eagleville, which was adopted.

Senator Klindt offered Senate Resolution No. 2080, regarding Mitchell Brantley Bailey, which was adopted.

Senator Klindt offered Senate Resolution No. 2081, regarding Miles M. Moore, which was adopted.

INTRODUCTION OF BILLS

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

SB 1064—By Stouffer.

An Act to repeal sections 226.527, 226.530, and 226.580, RSMo, and to enact in lieu thereof three new sections relating to outdoor advertising.

SB 1065—By Vogel.

An Act to repeal section 104.271, RSMo, and to enact in lieu thereof two new sections relating to state employee retirement.

SB 1066—By Klindt.

An Act to repeal section 392.245, RSMo, and to enact in lieu thereof one new section relating to telecommunications companies.

SB 1067—By Bartle.

An Act to repeal sections 210.870 and 620.1580, RSMo, and to enact in lieu thereof six new sections relating to the creation of the office

of enterprise technology.

SB 1068—By Purgason.

An Act to repeal section 144.080, RSMo, and to enact in lieu thereof one new section relating to the collection of sales tax, with penalty provisions.

SB 1069—By Engler.

An Act to repeal section 108.170, RSMo, and to enact in lieu thereof one new section relating to public finance.

SB 1070—By Bray.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to the public service commission.

SB 1071—By Loudon.

An Act to amend chapter 374, RSMo, by adding thereto three new sections relating to the Interstate Insurance Product Regulation Compact, with penalty provisions.

SB 1072—By Loudon.

An Act to repeal sections 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, 700.539, and 700.541, RSMo, relating to abandoned manufactured homes.

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, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Roger L. Mitchell, as a member of the Life Sciences Research Board;

Also,

Brian D. Dunlop, as a member of the Child

Abuse and Neglect Review Board;

Also,

Monica E. Haaf, as a member of the Coordinating Board for Early Childhood Development;

Also,

Peter W. Lobdell, as State Supervisor of the Division of Alcohol and Tobacco Control.

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, which motion prevailed.

President Pro Tem Gibbons assumed the Chair.

Senator Loudon, Chairman of the Committee on Small Business, Insurance and Industrial Relations, submitted the following reports:

Mr. President: Your Committee on Small Business, Insurance and Industrial Relations, to which was referred **SB 837**, 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 Small Business, Insurance and Industrial Relations, to which was referred **SB 838**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which

was referred **SB 915**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which were referred **SB 1014** and **SB 730**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 870**, 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.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 892**, 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.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 906**, 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 Financial and Governmental Organizations and Elections, to which was referred **SB 932**, 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.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 933**, 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 Financial and Governmental Organizations and Elections, to which was referred **SB 934**, 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 Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 561**, 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 Ways and Means, to which was referred **SB 744**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 766**, 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 Ways and

Means, to which was referred **SB 936**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 893**, 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 Economic Development, Tourism and Local Government, to which was referred **SB 919**, 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 Economic Development, Tourism and Local Government, to which was referred **SB 751**, 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.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 867**, 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 Economic Development, Tourism and Local Government, to which was referred **SB 863**, 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 Economic Development, Tourism and Local Government, to which was referred **SB 809**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 760**, 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.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 643**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

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

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 830**, 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 Pensions, Veterans' Affairs and General Laws, to which were referred **SB 701** and **SB 948**, begs leave to report that it has considered the same and recommends

that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which were referred **SB 872**, **SB 754** and **SB 669**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Transportation, to which were referred **SB 1001**, **SB 896** and **SB 761**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 590**, introduced by Senator Nodler, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 590

An Act to repeal sections 160.545, 172.287, 173.005, 173.616, 174.450, 174.453, 174.500, and 178.870, RSMo, and to enact in lieu thereof fourteen new sections relating to higher education, with penalty provisions and a termination date for a certain section.

Was taken up.

On motion of Senator Nodler, **SS** for **SCS** for **SB 590** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green

Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Dougherty—1

Vacancies—1

The President Pro Tem declared the bill passed.

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

Senator Nodler 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 **SB 584**, introduced by Senator Champion, entitled:

SENATE SUBSTITUTE FOR
SENATE BILL NO. 584

An Act to repeal sections 302.272, 302.275, and 302.321, RSMo, and to enact in lieu thereof three new sections relating to school bus drivers, with penalty provisions and an effective date.

Was taken up.

On motion of Senator Champion, **SS** for **SB 584** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler

Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Dougherty—1

Vacancies—1

The President Pro Tem declared the bill passed.

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

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

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

MESSAGES FROM THE HOUSE

The following message was 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 **SCS** for **SB 578**, entitled:

An Act to amend chapter 578, RSMo, by adding thereto one new section relating to protest activities near funeral services, with penalty provisions and an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

PRIVILEGED MOTIONS

Senator Shields moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 578** and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

THIRD READING OF SENATE BILLS

SCS for **SBs 575** and **714**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 575 and 714

An Act to repeal sections 196.973, 196.979, and 196.981, RSMo, and to enact in lieu thereof four new sections relating to unused prescription drugs, with penalty provisions.

Was taken up by Senator Scott.

On motion of Senator Scott, **SCS** for **SBs 575** and **714** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Days	Engler	Gibbons
Goodman	Graham	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senator Crowell—1

Absent with leave—Senator Dougherty—1

Vacancies—1

The President Pro Tem declared the bill passed.

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

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

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

SCS for **SB 614**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 614

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to

residential treatment agency tax credits.

Was taken up by Senator Stouffer.

On motion of Senator Stouffer, **SCS** for **SB 614** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Dougherty—1

Vacancies—1

The President Pro Tem declared the bill passed.

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

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

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

SCS for **SB 666**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 666

An Act to repeal sections 320.200, 320.271, 320.300, and 320.310, RSMo, and to enact in lieu thereof eight new sections relating to fire protection.

Was taken up by Senator Engler.

On motion of Senator Engler, **SCS** for **SB 666** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Loudon	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields
Stouffer	Vogel	Wheeler	Wilson—32

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Dougherty—1

Vacancies—1

The President Pro Tem declared the bill passed.

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

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

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

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 871**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Buzz Ball, Neosho.

Senator Bray introduced to the Senate, Dr. Katherine Mathews, Clayton.

Senator Vogel introduced to the Senate, seventeen fourth grade students from Moreau Heights Elementary School, Jefferson City; and Julia Schnieders, Nicholas LeBlanc, Madison Davis, Keith Porter, Cory Wiens and Stewart Kaiser were made honorary pages.

Senator Crowell introduced to the Senate, his brother, Josh, and members of the Cape Central Wrestling Team, Cape Girardeau.

Senator Vogel introduced to the Senate, the Physician of the Day, Dr. Roy A. Michael, D.O., Jefferson City.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, February 20, 2006.

SENATE CALENDAR

TWENTY-SIXTH DAY—MONDAY, FEBRUARY 20, 2006

FORMAL CALENDAR**SECOND READING OF SENATE BILLS**

SB 1040-Barnitz

SB 1041-Gibbons

SB 1042-Kennedy

SB 1043-Coleman

SB 1044-Alter	SB 1059-Kennedy
SB 1045-Goodman	SB 1060-Kennedy, et al
SB 1046-Days	SB 1061-Mayer
SB 1047-Loudon, et al	SB 1062-Scott
SB 1048-Shields	SB 1063-Scott
SB 1049-Shields	SB 1064-Stouffer
SB 1050-Bartle	SB 1065-Vogel
SB 1051-Bartle	SB 1066-Klindt
SB 1052-Nodler	SB 1067-Bartle
SB 1053-Days	SB 1068-Purgason
SB 1054-Cauthorn	SB 1069-Engler
SB 1055-Cauthorn	SB 1070-Bray
SB 1056-Griesheimer	SB 1071-Loudon
SB 1057-Loudon	SB 1072-Loudon
SB 1058-Loudon	

SENATE BILLS FOR PERFECTION

SB 629-Gross	SB 744-Klindt, with SCS
SB 915-Koster, et al, with SCS	SBs 701 & 948-Crowell, with SCS
SBs 1014 & 730-Scott and Gibbons, with SCS	SBs 872, 754 & 669-Gibbons, et al, with SCS
	SBs 1001, 896 & 761-Griesheimer, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 583-Griesheimer and Alter, with SCS	SB 690-Champion, with SCS
SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 & 890-Bartle and Scott, with SCS	SB 773-Cauthorn and Barnitz, with SCS
SB 596-Days	SB 820-Koster, with SCS
SB 644-Shields	SB 832-Griesheimer, with SCS
SB 689-Scott	SB 849-Mayer, et al, with SS, SA 6 & SA 1 to SA 6 (pending)
	SJR 26-Ridgeway and Graham

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 749-Engler, with SCS
 SB 747-Klindt, with SCS
 SB 641-Scott
 SB 818-Scott
 SB 819-Scott
 SB 828-Scott
 SB 678-Gross

SB 630-Gross, with SCS
 SB 805-Gross
 SB 612-Engler
 SB 712-Scott
 SB 802-Shields, with SCS
 SB 648-Champion
 SB 677-Gross

Reported 2/9

SB 559-Gibbons
 SB 558-Gibbons
 SB 746-Klindt, with SCS
 SB 881-Engler
 SB 900-Shields
 SB 765-Dougherty, with SCS

SB 618-Koster
 SB 580-Shields, with SCS
 SB 650-Champion, with SCS
 SB 840-Stouffer
 SB 909-Stouffer

Reported 2/16

SB 837-Loudon and Klindt
 SB 838-Loudon and Klindt
 SB 870-Mayer, with SCS
 SB 892-Scott, with SCS
 SB 906-Engler
 SB 932-Scott, with SCS
 SB 933-Scott
 SB 934-Engler, with SCS
 SB 561-Gross
 SB 766-Vogel
 SB 936-Vogel

SB 893-Scott
 SB 919-Scott
 SB 751-Stouffer, with SCS
 SB 867-Graham
 SB 863-Engler
 SB 809-Graham
 SB 760-Engler, with SCS
 SB 643-Scott
 SB 830-Ridgeway, et al
 SB 871-Coleman

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

Requests to Recede or Grant Conference

SCS for SB 578-Shields, with HCS
(Senate requests House
recede or grant conference)

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS

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Journal

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