

Journal of the Senate

SECOND REGULAR SESSION

THIRD DAY—MONDAY, JANUARY 9, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Man cannot fulfill his destiny alone...” (Elizabeth Cady Stanton)

Almighty God, we acknowledge that if we try to do everything ourselves we will fail. But, You have given us others here to help us as we struggle together and if we can acknowledge our weakness and dependency on You, You will guide and aid our hearts and minds to do what must be accomplished. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal for Thursday, January 5, 2006 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	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer

Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Mayer offered Senate Resolution No. 1646, regarding Staff Sergeant Ronald Hoskins, Ft. Leonard Wood, which was adopted.

Senator Stouffer offered Senate Resolution No. 1647, regarding the 2005 Sante Fe High School volleyball team, which was adopted.

Senator Stouffer offered Senate Resolution No. 1648, regarding the death of the Honorable Paul Sombart, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1649, regarding Mr. and Mrs. Michael Anthony Neil Cherrito, which was adopted.

Senator Stouffer offered Senate Resolution No. 1650, regarding Mr. and Mrs. William Scott Winkler, which was adopted.

Senator Vogel offered Senate Resolution No. 1651, regarding the California Area Chamber of Commerce, which was adopted.

Senator Green offered Senate Resolution No. 1652, regarding Stephen P. Schoemehl, St. Louis, which was adopted.

Senator Goodman offered Senate Resolution No. 1653, regarding the Kirbyville R-IV School District, which was adopted.

Senator Stouffer offered Senate Resolution No. 1654, regarding the birth of Audrey Fay Frizzell, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1655, regarding the birth of Cameron James Michael Boss, Salisbury, which was adopted.

Senator Stouffer offered Senate Resolution No. 1656, regarding the birth of Dane Howard Christy, La Plata, which was adopted.

Senator Stouffer offered Senate Resolution No. 1657, regarding the birth of Annika Maria Riekhof, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1658, regarding the birth of Weston Cade Hurt, Fayette, which was adopted.

Senator Stouffer offered Senate Resolution No. 1659, regarding the birth of Ryleigh June Leath, Kansas City, which was adopted.

Senator Stouffer offered Senate Resolution No. 1660, regarding the birth of Jackson Lavery Miller, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1661, regarding the birth of Caden Michael Hendricks, Richmond, which was adopted.

Senator Stouffer offered Senate Resolution No. 1662, regarding the birth of Jewelia Lee Lett, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 1663, regarding the birth of Quinten Nathaniel Vasser, Olathe, Kansas, which was adopted.

Senator Stouffer offered Senate Resolution No. 1664, regarding the birth of Gage Wyatt Kitts, La Plata, which was adopted.

Senator Stouffer offered Senate Resolution No. 1665, regarding the birth of Brandon Prosser Lorenz, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 1666, regarding the birth of Brooke Cathlynn Gariss, Fairway, Kansas, which was adopted.

Senator Stouffer offered Senate Resolution No. 1667, regarding the birth of Noah James Mitchell, Macon, which was adopted.

Senator Stouffer offered Senate Resolution No. 1668, regarding the birth of Adison Marie Drecktrah, Kansas City, which was adopted.

Senator Stouffer offered Senate Resolution No. 1669, regarding the birth of Madeline Jennifer Kemme, Tucson, Arizona, which was adopted.

Senator Stouffer offered Senate Resolution No. 1670, regarding the birth of Cadence Elizabeth DeLaney, Hawaii, which was adopted.

Senator Stouffer offered Senate Resolution No. 1671, regarding the birth of Cooper Patrick Pennock, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 1672, regarding the birth of Beck Matthew Frye, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 1673, regarding the birth of Kevin Glenn Trusty, Lawson, which was adopted.

Senator Stouffer offered Senate Resolution No. 1674, regarding the birth of Abigail Marie Franks, Sweet Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 1675, regarding the birth of Payten Jean Houston, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1676, regarding the birth of Carter Miles Haynes, La Plata, which was adopted.

Senator Stouffer offered Senate Resolution No. 1677, regarding the death of Erwin Bergman, which was adopted.

Senator Stouffer offered Senate Resolution No. 1678, regarding the death of Lester Rolf, which was adopted.

Senator Stouffer offered Senate Resolution No. 1679, regarding the deaths of Mr. and Mrs. Earl Zimmerman, Marshall, which was adopted.

Senator Alter offered Senate Resolution No. 1680, regarding Daniel Christopher Eustachius Highley, Fenton, which was adopted.

Senator Gibbons offered Senate Resolution No. 1681, regarding Mr. and Mrs. Nicholas Voigt, Manchester, which was adopted.

Senator Coleman offered Senate Resolution No. 1682, regarding Dr. John Mahoney, which was adopted.

Senator Coleman offered Senate Resolution No. 1683, regarding Dr. Michael Vincenc, which was adopted.

Senator Clemens offered Senate Resolution No. 1684, regarding Jared Tuck, Republic, which was adopted.

Senator Clemens offered Senate Resolution No. 1685, regarding Cory Swift, Republic, which was adopted.

Senator Clemens offered Senate Resolution No. 1686, regarding Jared Michael Loewenberg, Republic, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1687, regarding Bourbeuse Valley Harley-Davidson Motorcycles, Villa Ridge, which was adopted.

Senator Crowell offered Senate Resolution No. 1688, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Leon Miller, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 1689, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Skelton, Gordonville, which was adopted.

Senator Crowell offered Senate Resolution No. 1690, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. George Edwards, East Prairie, which was adopted.

Senator Gross requested unanimous consent of the Senate to withdraw **SB 807**, which request was granted.

INTRODUCTION OF BILLS

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

SB 821—By Griesheimer.

An Act to repeal section 301.010, RSMo, and to enact in lieu thereof one new section relating to salvage vehicles.

SB 822—By Gross.

An Act to repeal sections 198.439, 208.437, 208.480, and 338.550, RSMo, and to enact in lieu thereof four new sections relating to the health care provider tax, with an emergency clause.

SB 823—By Klindt.

An Act to amend chapter 375, RSMo, by adding thereto seven new sections relating to insurance compliance self-evaluative audit privilege.

SB 824—By Klindt and Loudon.

An Act to amend chapter 507, RSMo, by adding thereto one new section relating to an insurance company's right to intervene in civil actions to determine coverage obligations.

SB 825—By Koster, Shields, Wheeler and Wilson.

An Act to amend chapter 70, RSMo, by adding thereto six new sections relating to the Kansas and Missouri Regional Investment District

Compact.

SB 826—By Mayer.

An Act to repeal section 226.797, RSMo, and to enact in lieu thereof one new section relating to scenic byways.

SB 827—By Dougherty, Bray and Wheeler.

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to the creation of a death penalty commission.

SB 828—By Scott.

An Act to repeal section 332.311, RSMo, and to enact in lieu thereof one new section relating to dental hygienist.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 9, 2006

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

I hereby withdraw from your consideration the following appointments to office submitted to you on January 4, 2006 for your advice and consent:

Douglas A. Albrecht, Republican, 550 Barnes Road, Saint Louis, Saint Louis County, Missouri 63112, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2008, and until his successor is duly appointed and qualified; vice, Douglas A. Albrecht, withdrawn.

Respectfully submitted,

MATT BLUNT

Governor

President Pro Tem Gibbons moved that the above appointment be returned to the Governor, which motion prevailed.

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 1691, regarding Thomas Keith Blair, Chesterfield, which was adopted.

Senator Kennedy offered Senate Resolution No. 1692, regarding Marty Carr, Affton, which was adopted.

Senator Kennedy offered Senate Resolution No. 1693, regarding Matthew Robert Hegel, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1694, regarding Pat LaVanchy, St. Louis, which was adopted.

Senator Bartle offered the following resolution:

SENATE RESOLUTION NO. 1695

NOTICE OF PROPOSED RULE CHANGE

Notice is hereby given by the Senator from the Eighth District of the one day notice required by rule of intent to put a motion to adopt the following rule change:

BE IT RESOLVED by the Senate of the Ninety-third General Assembly, Second Regular Session, that Senate Rule 96 be amended to read as follows:

"Rule 96. 1. Laptop computers may be used [by the press at the press table and by the research staff at the research table] in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. **If a senator is engaged in debate or discussion, he or she shall close the screen of his or her laptop computer completely during the period of debate or discussion.** No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they do not prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for the purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area."

Senator Scott assumed the Chair.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time

and referred to the Committees indicated:

SB 557—Judiciary and Civil and Criminal Jurisprudence.

SB 558—Commerce, Energy and the Environment.

SB 559—Commerce, Energy and the Environment.

SB 560—Pensions, Veterans' Affairs and General Laws.

SB 561—Ways and Means.

SB 562—Judiciary and Civil and Criminal Jurisprudence.

SB 563—Judiciary and Civil and Criminal Jurisprudence.

SB 564—Ways and Means.

SB 565—Ways and Means.

SB 566—Aging, Families, Mental and Public Health.

SB 567—Aging, Families, Mental and Public Health.

SB 568—Aging, Families, Mental and Public Health.

SB 569—Agriculture, Conservation, Parks and Natural Resources.

SB 570—Judiciary and Civil and Criminal Jurisprudence.

SB 571—Judiciary and Civil and Criminal Jurisprudence.

SB 572—Pensions, Veterans' Affairs and General Laws.

SB 573—Judiciary and Civil and Criminal Jurisprudence.

SB 574—Aging, Families, Mental and Public Health.

SB 575—Aging, Families, Mental and Public

Health.

SB 576—Aging, Families, Mental and Public Health.

SB 577—Ways and Means.

SB 578—Judiciary and Civil and Criminal Jurisprudence.

SB 579—Judiciary and Civil and Criminal Jurisprudence.

SB 580—Education.

SB 582—Commerce, Energy and the Environment.

SB 583—Transportation.

SB 584—Judiciary and Civil and Criminal Jurisprudence.

SB 585—Ways and Means.

SB 586—Judiciary and Civil and Criminal Jurisprudence.

SB 587—Judiciary and Civil and Criminal Jurisprudence.

SB 588—Judiciary and Civil and Criminal Jurisprudence.

SB 589—Judiciary and Civil and Criminal Jurisprudence.

SB 590—Education.

SB 591—Agriculture, Conservation, Parks and Natural Resources.

SB 592—Judiciary and Civil and Criminal Jurisprudence.

SB 593—Small Business, Insurance and Industrial Relations.

SB 594—Ways and Means.

SB 595—Ways and Means.

SB 596—Judiciary and Civil and Criminal Jurisprudence.

SB 597—Small Business, Insurance and Industrial Relations.

SB 598—Small Business, Insurance and Industrial Relations.

SB 599—Aging, Families, Mental and Public Health.

SB 600—Ways and Means.

SB 601—Economic Development, Tourism and Local Government.

SB 602—Education.

SB 603—Transportation.

SB 604—Pensions, Veterans' Affairs and General Laws.

SB 605—Ways and Means.

SB 606—Transportation.

SB 608—Judiciary and Civil and Criminal Jurisprudence.

SB 609—Judiciary and Civil and Criminal Jurisprudence.

SB 610—Pensions, Veterans' Affairs and General Laws.

SB 611—Pensions, Veterans' Affairs and General Laws.

SB 612—Economic Development, Tourism and Local Government.

SB 613—Commerce, Energy and the Environment.

SB 614—Ways and Means.

SB 615—Judiciary and Civil and Criminal Jurisprudence.

SB 616—Aging, Families, Mental and Public Health.

SB 617—Aging, Families, Mental and Public Health.

SB 618—Judiciary and Civil and Criminal

Jurisprudence.

SB 619—Judiciary and Civil and Criminal Jurisprudence.

SB 620—Small Business, Insurance and Industrial Relations.

SB 621—Aging, Families, Mental and Public Health.

SB 622—Ways and Means.

SB 623—Aging, Families, Mental and Public Health.

SB 624—Aging, Families, Mental and Public Health.

SB 625—Aging, Families, Mental and Public Health.

SB 626—Aging, Families, Mental and Public Health.

SB 627—Aging, Families, Mental and Public Health.

SB 628—Judiciary and Civil and Criminal Jurisprudence.

SB 629—Transportation.

SB 630—Ways and Means.

SB 632—Financial and Governmental Organizations and Elections.

SB 633—Financial and Governmental Organizations and Elections.

SB 634—Pensions, Veterans' Affairs and General Laws.

SB 635—Transportation.

SB 636—Agriculture, Conservation, Parks and Natural Resources.

SB 637—Pensions, Veterans' Affairs and General Laws.

SB 638—Commerce, Energy and the Environment.

SB 639—Judiciary and Civil and Criminal Jurisprudence.

SB 640—Judiciary and Civil and Criminal Jurisprudence.

SB 641—Financial and Governmental Organizations and Elections.

SB 642—Aging, Families, Mental and Public Health.

SB 643—Agriculture, Conservation, Parks and Natural Resources.

SB 644—Education.

SB 645—Economic Development, Tourism and Local Government.

SB 646—Economic Development, Tourism and Local Government.

SB 647—Small Business, Insurance and Industrial Relations.

SB 648—Aging, Families, Mental and Public Health.

SB 649—Judiciary and Civil and Criminal Jurisprudence.

SB 650—Education.

SB 651—Economic Development, Tourism and Local Government.

SB 652—Transportation.

SB 653—Education.

SB 654—Education.

SB 655—Education.

SB 656—Education.

SB 657—Pensions, Veterans' Affairs and General Laws.

SB 658—Judiciary and Civil and Criminal Jurisprudence.

SB 659—Small Business, Insurance and Industrial Relations.

SB 660—Pensions, Veterans' Affairs and General Laws.

SB 661—Financial and Governmental Organizations and Elections.

SB 662—Education.

SB 663—Pensions, Veterans' Affairs and General Laws.

SB 664—Financial and Governmental Organizations and Elections.

SB 665—Agriculture, Conservation, Parks and Natural Resources.

SB 666—Pensions, Veterans' Affairs and General Laws.

SB 667—Transportation.

SB 668—Ways and Means.

SB 669—Transportation.

SB 670—Ways and Means.

SB 671—Pensions, Veterans' Affairs and General Laws.

SB 672—Economic Development, Tourism and Local Government.

REFERRALS

With the consent of the sponsor, President Pro Tem Gibbons referred **SR 1695** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following committee pursuant to **HCR 1**: Senators Gross, Klindt, Cauthorn, Engler, Goodman, Coleman, Days, Wilson, Dougherty and Callahan.

INTRODUCTIONS OF GUESTS

Senator Dougherty introduced to the Senate, Dr. Todd Lucas, O.D., St. Louis.

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

SENATE CALENDAR

 FOURTH DAY—TUESDAY, JANUARY 10, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 673-Graham	SB 704-Engler and Mayer
SB 674-Wilson and Days	SB 705-Engler and Cauthorn
SB 675-Wilson, et al	SB 706-Wilson and Days
SB 676-Wilson	SB 707-Wilson
SB 677-Gross	SB 708-Wilson and Graham
SB 678-Gross	SB 709-Cauthorn
SB 679-Gross	SB 710-Cauthorn
SB 680-Dougherty, et al	SB 711-Cauthorn
SB 681-Dougherty	SB 712-Scott
SB 682-Cauthorn	SB 713-Champion
SB 683-Cauthorn	SB 714-Nodler
SB 684-Cauthorn	SB 715-Bray
SB 685-Coleman	SB 716-Bray, et al
SB 686-Coleman	SB 717-Bray and Graham
SB 687-Scott	SB 718-Crowell and Mayer
SB 688-Scott	SB 719-Crowell
SB 689-Scott	SB 720-Crowell
SB 690-Champion	SB 721-Wilson
SB 691-Champion	SB 722-Cauthorn
SB 692-Champion	SB 723-Cauthorn
SB 693-Bartle and Crowell	SB 724-Cauthorn
SB 694-Bartle	SB 725-Bray, et al
SB 695-Nodler	SB 726-Bray
SB 696-Nodler and Crowell	SB 727-Bray
SB 697-Nodler	SB 728-Crowell
SB 699-Bray	SB 729-Crowell
SB 700-Bray and Days	SB 730-Crowell
SB 701-Crowell	SB 731-Cauthorn
SB 702-Crowell, et al	SB 732-Cauthorn
SB 703-Crowell, et al	SB 733-Cauthorn

SB 734-Bray	SB 774-Bartle
SB 735-Crowell	SB 775-Cauthorn
SB 736-Crowell and Cauthorn	SB 776-Nodler, et al
SB 737-Crowell and Engler	SB 777-Bray and Days
SB 738-Cauthorn	SB 778-Ridgeway, et al
SB 739-Cauthorn	SB 779-Engler
SB 740-Cauthorn	SB 780-Klindt
SB 741-Crowell	SB 781-Ridgeway
SB 742-Crowell	SB 782-Engler
SB 743-Crowell	SB 783-Engler
SB 744-Klindt	SB 784-Alter
SB 745-Klindt and Engler	SB 785-Alter
SB 746-Klindt	SB 786-Graham
SB 747-Klindt	SB 787-Klindt
SB 748-Vogel and Engler	SB 788-Klindt
SB 749-Engler	SB 789-Dougherty
SB 750-Gross	SB 790-Clemens
SB 751-Stouffer	SB 791-Mayer and Kennedy
SB 752-Graham	SB 792-Mayer
SB 753-Alter	SB 793-Engler
SB 754-Scott	SB 794-Kennedy
SB 755-Clemens	SB 795-Kennedy and Griesheimer
SB 756-Clemens	SB 796-Dougherty, et al
SB 757-Clemens	SB 797-Crowell
SB 758-Engler	SB 798-Nodler
SB 759-Engler	SB 799-Engler
SB 760-Engler	SB 800-Shields
SB 761-Stouffer	SB 801-Shields
SB 762-Graham, et al	SB 802-Shields
SB 763-Alter	SB 803-Griesheimer
SB 764-Engler	SB 804-Gross
SB 765-Dougherty	SB 805-Gross
SB 766-Vogel	SB 806-Gross
SB 767-Graham	SB 808-Ridgeway
SB 768-Graham	SB 809-Graham
SB 769-Mayer	SB 810-Dougherty, et al
SB 770-Mayer and Crowell	SB 811-Bray, et al
SB 771-Mayer	SB 812-Cauthorn
SB 772-Green	SB 813-Ridgeway
SB 773-Cauthorn and Barnitz	SB 814-Coleman

SB 815-Coleman
 SB 816-Griesheimer and Coleman
 SB 817-Scott, et al
 SB 818-Scott
 SB 819-Scott
 SB 820-Koster
 SB 821-Griesheimer
 SB 822-Gross
 SB 823-Klindt
 SB 824-Klindt and Loudon
 SB 825-Koster, et al
 SB 826-Mayer
 SB 827-Dougherty, et al
 SB 828-Scott

SJR 21-Cauthorn
 SJR 22-Cauthorn
 SJR 23-Bartle, et al
 SJR 24-Bartle
 SJR 25-Clemens
 SJR 26-Ridgeway and Graham
 SJR 27-Crowell
 SJR 28-Engler
 SJR 29-Engler
 SJR 30-Graham
 SJR 31-Ridgeway and Shields
 SJR 32-Graham
 SJR 33-Graham

RESOLUTIONS

HCR 2-Dempsey (Shields)

HCR 3-Dempsey (Shields)



Copy