

# Journal of the Senate

SECOND REGULAR SESSION

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TENTH DAY—MONDAY, JANUARY 23, 2006

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The Senate met pursuant to adjournment.

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

"You are a people holy to the Lord your God;" (Deuteronomy 7:6)

O Lord, as we begin a new week we ask that You help us to recognize our lives are in Your hands and You have called us to serve here and so we ask that You bless us and help us do what we must so You the giver of life may be glorified by our witness and our words. Amen.

The Pledge of Allegiance to the Flag was recited.

President Kinder assumed the Chair.

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

The Journal for Thursday, January 19, 2006 was read and approved.

Senator Shields announced that photographers from the St. Joseph News-Press had been given permission to take pictures in the Chamber today.

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 Stouffer offered Senate Resolution No. 1788, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Elvin Enyeart, Keytesville, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1789, regarding St. Clair Police Chief, Tom Yoder, which was adopted.

Senator Cauthorn offered Senate Resolution No. 1790, regarding Ron Hopkins, Mexico, which was adopted.

Senator Goodman offered Senate Resolution No. 1791, regarding the Branson R-IV School

District, which was adopted.

Senator Stouffer offered Senate Resolution No. 1792, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Robert Snow, La Plata, which was adopted.

Senator Stouffer offered Senate Resolution No. 1793, regarding the death of Marvin J. Persell, Richmond, which was adopted.

Senator Stouffer offered Senate Resolution No. 1794, regarding the Twenty-fifth Wedding Anniversary of Mr. and Mrs. David Thaller, which was adopted.

Senator Stouffer offered Senate Resolution No. 1795, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jim Bachtel, Brunswick, which was adopted.

Senator Engler offered Senate Resolution No. 1796, regarding Peggy Kellogg, Farmington, which was adopted.

Senator Engler offered Senate Resolution No. 1797, regarding Ruth Schweiss, Sainte Genevieve, which was adopted.

Senator Engler offered Senate Resolution No. 1798, regarding Dolores Eddleman, Farmington, which was adopted.

Senator Scott offered Senate Resolution No. 1799, regarding the Stockton R-I School District's 2005 championship Dairy Foods team, which was adopted.

Senator Gross offered Senate Resolution No. 1800, regarding Angel Taylor, St. Charles, which was adopted.

Senator Klindt offered Senate Resolution No. 1801, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Clark Wortz, Trenton, which was adopted.

Senator Klindt offered Senate Resolution No. 1802, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Raymond Seipel, Maryville, which was adopted.

Senator Klindt offered Senate Resolution No. 1803, regarding Ryan William Wright, Trenton, which was adopted.

Senator Purgason offered Senate Resolution No. 1804, regarding the Ninety-sixth Birthday of Eula Peterson, Stoutland, which was adopted.

Senator Purgason offered Senate Resolution No. 1805, regarding the Ninetieth Birthday of Mary Pruitt, Lebanon, which was adopted.

Senator Stouffer offered Senate Resolution No. 1806, regarding the death of Dr. Catherine Olive Boydston, M.D., which was adopted.

Senator Stouffer offered Senate Resolution No. 1807, regarding Mr. and Mrs. Donald Meyer, which was adopted.

Senator Stouffer offered Senate Resolution No. 1808, regarding the birth of Avery Brooke Hoflander, Higginsville, which was adopted.

Senator Stouffer offered Senate Resolution No. 1809, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Clarence Kenney, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 1810, regarding Amber Wesselman, Pilot Grove High School, which was adopted.

Senator Dougherty offered Senate Resolution No. 1811, regarding Caeli Grace JiaHua Millet, which was adopted.

Senator Nodler offered Senate Resolution No. 1812, regarding the One Hundred Sixty-fifth Anniversary of Jasper County, which was adopted.

Senator Shields offered Senate Resolution No. 1813, regarding Anthony Le Roy Glise, St. Joseph, which was adopted.

Senator Stouffer offered Senate Resolution No. 1814, regarding the birth of Scott Davidson Metz, Springfield, which was adopted.

Senator Stouffer offered Senate Resolution No. 1815, regarding Bracie Mei Yao Rockhold,

Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 1816, regarding the birth of Landen Bruce Reid, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 1817, regarding the birth of Landon Wilson Meierer, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 1818, regarding the birth of Richard Anthony McSparran, Salisbury, which was adopted.

Senator Stouffer offered Senate Resolution No. 1819, regarding the birth of Aniston Paige Wulff, Odessa, which was adopted.

Senator Stouffer offered Senate Resolution No. 1820, regarding the birth of Olivia Renee Roush, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 1821, regarding the birth of Kennedy Chrisanne Heil, Norborne, which was adopted.

Senator Stouffer offered Senate Resolution No. 1822, regarding the birth of Mason Lakota Shank, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 1823, regarding the birth of Mallory Jo Brown, Clark, which was adopted.

Senator Stouffer offered Senate Resolution No. 1824, regarding the birth of Mollie Lynn Sims, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 1825, regarding the birth of Dariyan Ra'Sean Reaves, Lexington, which was adopted.

Senator Stouffer offered Senate Resolution No. 1826, regarding the birth of Ryan Avery Bennett, Monroe, Iowa, which was adopted.

Senator Stouffer offered Senate Resolution No. 1827, regarding the birth of Dallas Channing Ford, Callao, which was adopted.

Senator Stouffer offered Senate Resolution No. 1828, regarding the birth of Heaven Merchelle

Amos, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 1829, regarding the birth of Reece Matthew Tyler, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 1830, regarding the birth of Derek Walter Collins, Lawson, which was adopted.

Senator Stouffer offered Senate Resolution No. 1831, regarding the birth of Noah Lee Graham, La Plata, which was adopted.

Senator Stouffer offered Senate Resolution No. 1832, regarding the birth of Isabella Rose Elayne Widner, Tipton, which was adopted.

Senator Stouffer offered Senate Resolution No. 1833, regarding the birth of Hailee Jae Green, which was adopted.

Senator Stouffer offered Senate Resolution No. 1834, regarding the birth of Abigail Danielle Wymore, San Angelo, Texas, which was adopted.

Senator Stouffer offered Senate Resolution No. 1835, regarding the birth of Emery Kai Sousley, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 1836, regarding Larry E. Greim, Excelsior Springs, which was adopted.

Senator Nodler offered Senate Resolution No. 1837, regarding the One Hundredth Anniversary of the Neosho Daily News, which was adopted.

Senator Wheeler offered Senate Resolution No. 1838, regarding Barbara Hall Marshall, Kansas City, which was adopted.

Senator Days offered Senate Resolution No. 1839, regarding Dr. Barbara Harbach, which was adopted.

## INTRODUCTION OF BILLS

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

**SB 923**—By Barnitz.

An Act to repeal section 100.255, RSMo, and

to enact in lieu thereof one new section relating to the Missouri development finance board.

**SB 924**—By Klindt.

An Act to amend chapter 59, RSMo, by adding thereto eight new sections relating to the uniform real property electronic recording act.

**SB 925**—By Cauthorn.

An Act to repeal sections 260.200, 260.262, 260.380, and 260.391, RSMo, and to enact in lieu thereof four new sections relating to hazardous waste.

**SB 926**—By Cauthorn.

An Act to repeal sections 60.580 and 327.371, RSMo, and to enact in lieu thereof two new sections relating to land surveyors.

**SB 927**—By Gross.

An Act repeal sections 32.115, 33.282, 100.297, 135.313, 135.352, 135.403, 135.484, 135.503, 135.535, 135.545, 135.700, 135.750, 135.766, 253.545, 253.557, 253.559, 320.093, 348.302, 447.708, and 620.650, RSMo, and to enact in lieu thereof seventeen new sections relating to limitations upon issuance and redemption of economic development tax credits.

**SB 928**—By Green.

An Act to repeal section 285.300, RSMo, and to enact in lieu thereof two new sections relating to employee misclassification.

**SB 929**—By Green.

An Act to repeal sections 287.120 and 287.140, RSMo, and to enact in lieu thereof two new sections relating to reductions in workers' compensation benefits, with penalty provisions.

**SB 930**—By Green.

An Act to amend chapters 21 and 620, RSMo, by adding thereto four new sections relating to trade agreements.

**SB 931**—By Scott.

An Act to repeal section 238.216, RSMo, and

to enact in lieu thereof one new section relating to the election of directors for transportation development districts.

**SB 932**—By Scott.

An Act to repeal section 54.040, RSMo, and to enact in lieu thereof one new section relating to county treasurers.

**SB 933**—By Scott.

An Act to repeal sections 388.600, 388.605, 388.615, and 388.645, RSMo, and to enact in lieu thereof four new sections relating to railroad policemen.

**SB 934**—By Engler.

An Act to repeal section 328.115, RSMo, and to enact in lieu thereof one new section relating to barbers and barber establishments.

**SB 935**—By Engler.

An Act to repeal sections 328.010, 328.015, 328.020, 328.030, 328.040, 328.050, 328.060, 328.070, 328.075, 328.080, 328.085, 328.090, 328.100, 328.110, 328.115, 328.120, 328.130, 328.140, 328.150, 328.160, 329.010, 329.015, 329.025, and 329.028, RSMo, and to enact in lieu thereof five new sections relating to barbers and barber establishments.

**SB 936**—By Vogel.

An Act to repeal section 182.105, RSMo, and to enact in lieu thereof one new section relating to county library district bonds.

**SB 937**—Nodler.

An Act to repeal section 168.015, RSMo, and to enact in lieu thereof one new section relating to the commissioner's advisory council.

**SB 938**—By Stouffer.

An Act to amend chapter 227, RSMo, by adding thereto twenty-four new sections relating to the Missouri public-private partnerships transportation act, with penalty provisions.

**SB 939**—By Stouffer.

An Act to repeal section 383.105, RSMo and to enact in lieu thereof seven new sections relating to medical malpractice insurance, with an expiration date for a certain section.

### SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 578**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 578**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 578

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.

Was taken up.

Senator Koster assumed the Chair.

Senator Shields moved that **SCS** for **SB 578** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 578** was declared perfected and ordered printed.

### SECOND READING OF CONCURRENT RESOLUTIONS

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

**SCR 24**—Rules, Joint Rules, Resolutions and Ethics.

### REFERRALS

President Pro Tem Gibbons referred **SCR 25** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

### SECOND READING OF SENATE BILLS

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

**SB 891**—Transportation.

**SB 892**—Financial and Governmental Organizations and Elections.

**SB 893**—Economic Development, Tourism and Local Government.

**SB 894**—Education.

**SB 895**—Judiciary and Civil and Criminal Jurisprudence.

**SB 896**—Transportation.

**SB 897**—Aging, Families, Mental and Public Health.

**SB 898**—Pensions, Veterans' Affairs and General Laws.

**SB 899**—Commerce, Energy and the Environment.

**SB 900**—Aging, Families, Mental and Public Health.

### 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  
January 18, 2006

**To the Senate of the 93rd General Assembly of the State of Missouri:**

The following addendum should be made to the appointment of Terri R. Marty, submitted on January 4, 2006. Line 3 should be amended as follows:

“ending October 28, 2008 and until her successor is duly appointed and”

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
January 19, 2006

**To the Senate of the 93rd General Assembly of the State of Missouri:**

The following addendum should be made to the appointment of Katharine H. Barondeau to the Missouri Training and

Employment Council, submitted on January 4, 2006. Line 1 and Line 2 should be amended as follows:

“Katharine H. Barondeau, 252 Constitution Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri Training and Employment”

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
January 19, 2006

**To the Senate of the 93rd General Assembly of the State of Missouri:**

The following addendum should be made to the appointment of Sarah E. Murray to the Missouri Women’s Council, submitted on January 4, 2006. Line 1 should be amended as follows:

“Sarah R. Murray, Democrat, 1008 West 69th Terrace, Kansas City, Jackson”

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
January 19, 2006

**To the Senate of the 93rd General Assembly of the State of Missouri:**

The following addendum should be made to the appointment of John L. Winston to the Missouri State University Board of Governors, submitted on January 4, 2006. Line 1 should be amended as follows:

“John L. Winston, Republican, 8510 Skyline, Saint Louis, Saint Louis County, Missouri”

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
January 19, 2006

**To the Senate of the 93rd General Assembly of the State of Missouri:**

The following addendum should be made to the appointment of Baughn T. Meredith to the State Soil and Water District Commission, submitted on January 4, 2006. Line 1 should be

amended as follows:

“Baughn T. Merideth, Democrat, 2703 South Ward Avenue, Caruthersville”

Respectfully submitted,  
MATT BLUNT

President Pro Tem Gibbons referred the above addendums to the Committee on gubernatorial Appointments.

## RE-REFERRALS

President Pro Tem Gibbons re-referred **SB 798** to the Committee on Financial and Governmental Organizations and Elections.

## 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 **SCS** for **SB 578**, 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.

## COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

January 20, 2006

Mrs. Terry Spieler  
Secretary of the Senate  
State Capitol Building  
Jefferson City, MO 65101

**Re: Appointment to Midwestern Higher Education Commission**

Dear Mrs. Spieler:

Effective this date, Senator Charles Shields will be replacing Senator Gary Nodler on the Midwestern Higher Education Commission.

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,  
/s/ Michael R. Gibbons  
MICHAEL R. GIBBONS

**INTRODUCTIONS OF GUESTS**

Senator Nodler introduced to the Senate, Jake Heisten, Carthage.

Senator Goodman introduced to the Senate,

Derick Barnes, Mt. Vernon; Stacey Salmon, Kansas City; and Steve Daniels, Joplin.

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

**SENATE CALENDAR**

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ELEVENTH DAY—TUESDAY, JANUARY 24, 2006

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**FORMAL CALENDAR**

**SECOND READING OF SENATE BILLS**

SB 901-Shields	SB 921-Coleman
SB 902-Callahan	SB 922-Wilson and Wheeler
SB 903-Griesheimer	SB 923-Barnitz
SB 904-Griesheimer	SB 924-Klindt
SB 905-Engler	SB 925-Cauthorn
SB 906-Engler	SB 926-Cauthorn
SB 907-Engler	SB 927-Gross
SB 908-Stouffer	SB 928-Green
SB 909-Stouffer	SB 929-Green
SB 910-Stouffer	SB 930-Green
SB 911-Goodman	SB 931-Scott
SB 912-Goodman	SB 932-Scott
SB 913-Vogel	SB 933-Scott
SB 914-Koster	SB 934-Engler
SB 915-Koster, et al	SB 935-Engler
SB 916-Koster, et al	SB 936-Vogel
SB 917-Gross and Gibbons	SB 937-Nodler
SB 918-Scott	SB 938-Stouffer
SB 919-Scott	SB 939-Stouffer
SB 920-Coleman and Bray	

**THIRD READING OF SENATE BILLS**

SCS for SB 578-Shields

RESOLUTIONS

Reported from Committee

SCR 21-Ridgeway, et al, with SCS

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