

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-SEVENTH DAY—TUESDAY, FEBRUARY 21, 2006

The Senate met pursuant to adjournment.

Shields Stouffer Vogel Wheeler
Wilson—33

Senator Goodman in the Chair.

Reverend Carl Gauck offered the following prayer:

Absent—Senators—None

“The clever sees danger and hides.” (Proverbs 22:3)

Absent with leave—Senators—None

Almighty God, let us always be guided by wisdom that makes us discerning and clever. Help us not be so fearful as to avoid doing what is right and necessary just to avoid a mistake. Let our instincts and caution see the problems ahead and then help us work our way around them for the good of all. In Your Holy Name we pray. Amen.

Vacancies—1

The Lieutenant Governor was present.

The Pledge of Allegiance to the Flag was recited.

RESOLUTIONS

Senator Ridgeway offered Senate Resolution No. 2108, regarding Daniel Edward Eshnaur, which was adopted.

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

Senator Ridgeway offered Senate Resolution No. 2109, regarding Andrew Michael Grace, Kansas City, which was adopted.

The Journal of the previous day was read and approved.

Senator Ridgeway offered Senate Resolution No. 2110, regarding Brian George Knop, Liberty, which was adopted.

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

Senator Ridgeway offered Senate Resolution No. 2111, regarding Philip Shay Meeks, Liberty, which was adopted.

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

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 2112
WHEREAS, the Missouri Senate recognizes the importance

of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Missouri Senate has a long tradition of rendering assistance to those organizations that sponsor projects in the interest of good citizenship; and

WHEREAS, the 2006 Missouri Youth Leadership Forum for Students with Disabilities, sponsored by the Governor's Council on Disability, the Missouri Planning Council for Developmental Disabilities, and the Independent Living Resource Center of Jefferson City, is an educational experience in state government for high school juniors and seniors with disabilities by allowing such youth to participate in the democratic process:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-third General Assembly, hereby grant the 2006 Missouri Youth Leadership Forum for Students with Disabilities permission to use the Senate Chamber on Tuesday, July 25, 2006, from 1:00 p.m. to 4:00 p.m. for the purpose of holding a mock legislative session.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 2112** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 2112** was adopted.

Senator Ridgeway offered Senate Resolution No. 2113, regarding Harry Fulghum, which was adopted.

Senator Graham offered Senate Resolution No. 2114, regarding Korey Luke Kaufman, Columbia, which was adopted.

Senator Vogel offered Senate Resolution No. 2115, regarding Marsha A. Taylor, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 2116, regarding Shirley A. Brumley, Jefferson City, which was adopted.

INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

SB 1086—By Kennedy.

An Act to repeal section 84.160, RSMo, and to enact in lieu thereof one new section relating to

maximum amounts of compensation for police officers, with an emergency clause.

PRIVILEGED MOTIONS

Senator Shields moved that the conference be dissolved on **HCS** for **SCS** for **SB 578** and that the Senate request the House to recede from its position and take up and pass the bill, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 583**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 was again taken up.

President Kinder assumed the Chair.

Senator Griesheimer offered **SA 1** to **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO

SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 583, Page 1, Section 643.303, Line 4, of said amendment, by striking the word "shall" and inserting in lieu thereof "**may**".

Senator Griesheimer moved that the above amendment be adopted.

Senator Gross assumed the Chair.

Senator Shields announced that members of the State Highway Patrol had been given permission to enter the Chamber with side arms.

On motion of Senator Griesheimer, **SA 1** to **SA 1** was adopted.

SA 1, as amended, was again taken up.

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

Senator Days offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 583,

Page 41, Section 643.350, Line 24, by inserting after all of said line the following:

“643.353. Beginning January 15, 2008, and annually thereafter, the department of natural resources shall submit a report to the governor and general assembly that describes the overall effectiveness of the decentralized emissions inspection program. Such report shall be based upon the latest available data, including data derived from EPA model analysis. The report shall contain an interpretative analysis detailing whether or not the ambient air quality achieved by the decentralized emissions inspection program exceeds the ambient air quality achieved by the current centralized emissions inspection program.”; and

Further amend the title and enacting clause accordingly.

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

Senator Goodman assumed the Chair.

Senator Shields announced that photographers from KRCG-TV had been given permission to take pictures in the Chamber today.

Senator Gross offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 583, Page 40, Section 643.350, Lines 14-23 of said page, by striking all of said lines and inserting in lieu thereof the following: **“shall not exceed twenty-four dollars.”**

Senator Gross moved that the above amendment be adopted.

At the request of Senator Gross, **SA 3** was withdrawn.

Senator Gross offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate

Committee Substitute for Senate Bill No. 583, Page 23, Section 643.310, Line 22 of said page, by striking the word “seven” and inserting in lieu thereof the following: **“three”**.

Senator Gross moved that the above amendment be adopted.

At the request of Senator Gross, **SA 4** was withdrawn.

Senator Gross offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 583, Page 40, Section 643.350, Line 23, by inserting immediately after the word “public.” the following:

“No fee adjustment pursuant to this section shall go into effect until such adjustment is approved by the joint committee on administrative rules.”

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

Senator Shields offered **SA 6**, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 583, Page 41, Section 643.350, Line 24, by inserting immediately after all of said line the following:

“Section 1. The motor vehicle safety inspection program established under sections 307.350 to 307.402, RSMo shall expire January 1, 2007.”; and

Further amend the title and enacting clause accordingly.

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

At the request of Senator Griesheimer,

SB 583, with **SCS** and **SS** for **SCS** (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 recedes from its position on **HCS** for **SCS** for **SB 578**, and has again taken up and passed **SCS** for **SB 578**.

Emergency clause adopted.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **HCR 17**.

HOUSE CONCURRENT RESOLUTION NO. 17

WHEREAS, the United States Fish and Wildlife Service has mandated a man-made “spring rise” for the Missouri River that is purportedly necessary for the survival of the pallid sturgeon, an endangered species; and

WHEREAS, accurately controlling upstream discharges for the “spring rise” is extremely difficult because Missouri weather and flooding are unpredictable, as evidenced by the Missouri River’s rise of nine feet in less than eighteen hours twice during a drought period in June of 2005; and

WHEREAS, once water is released for the “spring rise” there are no intervening dams or locks to halt the rise during the ten-day travel time from Gavins Point Dam in South Dakota to St. Louis, Missouri, thereby increasing the risk that such a rise would compound flooding problems resulting from a major rain event; and

WHEREAS, Federal agencies should not be implementing plans that are known to harm Missouri’s farmers solely for the purposes of an experiment to determine whether the “spring rise” will trigger spawning of the pallid sturgeon; and

WHEREAS, a “spring rise” will potentially exacerbate drainage problems on agricultural land which could delay crop planting, destroy crops, and require additional pumping at additional costs for Missouri farmers; and

WHEREAS, by using water in the spring that is needed to support navigation and other uses in the summer, a “spring rise” will shorten the navigation season during times of water shortages

causing additional financial burdens on shippers, commercial carriers, and producers; and

WHEREAS, Missouri infrastructure, communities, businesses, farmers, ranchers and the economy all will be put at an increased risk of flooding in the event of a “spring rise”; and

WHEREAS, it is unjust for Missouri consumers, communities, businesses, commercial carriers, farmers and ranchers to bear any additional direct or indirect costs for an unproven experimental plan; and

WHEREAS, many businesses and residential communities along the Missouri River suffered great devastation after the flood of 1993; the intentional flooding of the river through a “spring rise” enhances the risk that such destruction will once again visit these communities, making it harder and ultimately less attractive to rebuild; and

WHEREAS, the economic responsibilities that individual families and businesses have to bear in the face of a devastating flood, like that in 1993, are enormous; to compound and confuse that responsibility with the uncertainties that accompany a “spring rise” places a heavier burden on the backs of those families and businesses:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, hereby concur with the Governor of the State of Missouri that all reasonable and necessary action should be taken to prevent the planned man-made “spring rise”; and

BE IT FURTHER RESOLVED that the members of the Missouri House of Representatives Ninety-third General Assembly, Second Regular Session, the Senate concurring therein, respectfully encourage the United States Army Corps of Engineers not to implement an artificial “spring rise,” which would increase the risk of flooding for Missourians, thereby being in violation of the 8th U.S. Circuit Court of Appeals’ recent ruling, which held that flood control and navigation are the dominant uses of the Missouri River; and

BE IT FURTHER RESOLVED that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copies of this resolution for the Governor of Missouri and the members of the Missouri Congressional delegation.

In which the concurrence of the Senate is respectfully requested.

REFERRALS

President Pro Tem Gibbons referred **SCR 29** 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 1040—Economic Development, Tourism and Local Government.

SB 1041—Pensions, Veterans' Affairs and General Laws.

SB 1042—Ways and Means.

SB 1043—Financial and Governmental Organizations and Elections.

SB 1044—Transportation.

SB 1045—Judiciary and Civil and Criminal Jurisprudence.

SB 1046—Pensions, Veterans' Affairs and General Laws.

SB 1047—Judiciary and Civil and Criminal Jurisprudence.

SB 1048—Transportation.

SB 1049—Pensions, Veterans' Affairs and General Laws.

SB 1050—Judiciary and Civil and Criminal Jurisprudence.

SB 1051—Judiciary and Civil and Criminal Jurisprudence.

SB 1052—Judiciary and Civil and Criminal Jurisprudence.

SB 1053—Pensions, Veterans' Affairs and General Laws.

SB 1054—Transportation.

SB 1055—Governmental Accountability and Fiscal Oversight.

SB 1056—Economic Development, Tourism and Local Government.

SB 1057—Small Business, Insurance and Industrial Relations.

SB 1058—Transportation.

SB 1059—Transportation.

SB 1060—Ways and Means.

SB 1061—Pensions, Veterans' Affairs and General Laws.

SB 1062—Judiciary and Civil and Criminal Jurisprudence.

SB 1063—Aging, Families, Mental and Public Health.

SB 1064—Economic Development, Tourism and Local Government.

SB 1065—Pensions, Veterans' Affairs and General Laws.

SB 1066—Commerce, Energy and the Environment.

SB 1067—Financial and Governmental Organizations and Elections.

SB 1068—Ways and Means.

SB 1069—Financial and Governmental Organizations and Elections.

SB 1070—Commerce, Energy and the Environment.

SB 1071—Small Business, Insurance and Industrial Relations.

SB 1072—Economic Development, Tourism and Local Government.

SB 1073—Transportation.

SB 1074—Small Business, Insurance and Industrial Relations.

SB 1075—Small Business, Insurance and Industrial Relations.

SB 1076—Aging, Families, Mental and Public Health.

SB 1077—Financial and Governmental Organizations and Elections.

SB 1078—Commerce, Energy and the Environment.

SB 1079—Transportation.

SB 1080—Economic Development, Tourism and Local Government.

SB 1081—Agriculture, Conservation, Parks and Natural Resources.

SB 1082—Small Business, Insurance and Industrial Relations.

SB 1083—Financial and Governmental Organizations and Elections.

SB 1084—Pensions, Veterans' Affairs and General Laws.

SB 1085—Education.

INTRODUCTIONS OF GUESTS

Senator Gross introduced to the Senate, former State Representative, Alderman Bruce Holt, St. Peters.

Senator Mayer introduced to the Senate, Ben Counts and fifteen eighth grade students from Caruthersville Middle School; and Hannah and Melanie Chambers, Christa Bradley, Aundria Motton and John Gale were made honorary pages.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Ed Weisbart, M.D., Olivette.

Senator Kennedy introduced to the Senate, Helen Finegar, Oakville.

Senator Scott introduced to the Senate, Herb Harmann, Tom Sneed and Physical Therapy Students from Southwest Baptist University, Bolivar.

Senator Gross introduced to the Senate, former State Representative Joe Ortwerth and former State Senator Steve Ehlmann, St. Charles County.

Senator Scott introduced to the Senate, Zachary and Kim Adams, Nicole and Lisa Lee, Zack, Debbie and David Preston, Marti Albin, Lane Compton, Brooklyn and Dain Sisk, Riley

Cook and Robin Dicket, parents and fourth grade students from Clinton Christian Academy, Clinton.

Senator Clemens introduced to the Senate, 2005-2006 State FFA Officers, Mallory Ferguson, Craig; Zach Kinne, Eagleville; Miranda Leppin, Milan; Kyle Allen, Hawk Point; Jessie Murry, Odessa; Amanda Davenport, Eldon; Stephanie Matthews, Carthage; Joey Stokes, Brighton; Jordan Haymes, Mt. Vernon; Phoebe Wiles, Willow Springs; Michael Ockerhausen, Warrenton; and Zackary Ruesler, Jackson.

Senator Kennedy introduced to the Senate, Kay Giesing, Jean Radice and Susan Schmidt, St. Louis County.

Senator Wheeler introduced to the Senate, Leaders, Justin Stanley, Jeff Simon, Lynn Hire, Lisa Leslie and Nancy Calvano; and Scouts, Robbie Adelman, Ben Calvano, Addison Degen, Jason Gregory, Jackson Griffin, Ben Hire, Marcel Karczewski, Jack Leslie, Max Linscott, Paul Logan, Andrew Martucci, Alex Murfey, Chris Oest, Joseph Simon, Sam Sizemore-Dieterich and Matt Stanley, members of St. Peter's Pack 118 Cub Scouts, Kansas City; and Robbie, Ben, Addison, Jason, Jackson, Ben, Marcel, Jack, Max, Paul, Andrew, Alex, Chris, Joseph, Sam and Matt were made honorary pages.

Senator Green introduced to the Senate, Deborah Tatoian and her children, Samantha, Ralph and Maxwell, Gloria Durbala, Ralph and Sandy Tatoian, Michael Rush, Lieutenant LeeAnn Kenley, Sergeant Marc McCalister and Captain Greg Kindle, St. Louis County; and Samantha and Ralph were made honorary pages.

Senator Engler introduced to the Senate, Richard and Donna Lewis, Richard Lewis, II, Rachael, Angie Korn and Paul Bradley Lewis, II, Farmington; and Paul Bradley was made an honorary page.

Senator Purgason introduced to the Senate, Brandon Scheidt, Nyke Edos, Kalyn McGee, Lauren Harvey, Kristi Vandeloecht, Mychelle

Gaynor, Brigid Daly, Danielle Price, Angie Boyd, Shelly Sugg, Dana Haire, Scott Dye, Ashlie LeAn, Racquel Rosenthal, Danielle Boehm, Krystal Kinzey, Dana Williams, Keisha Lawson and Lori

Smith, Physical Therapy Students.

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

SENATE CALENDAR

TWENTY-EIGHTH DAY—WEDNESDAY, FEBRUARY 22, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1086-Kennedy

SENATE BILLS FOR PERFECTION

SB 629-Gross

SB 915-Koster, et al, with SCS

SBs 1014 & 730-Scott and Gibbons, with SCS

SB 744-Klindt, with SCS

SBs 701 & 948-Crowell, 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
& SS for SCS (pending)

SBs 588, 557, 579, 563, 869, 619, 570,
753, 764, 782, 783 & 890-Bartle and
Scott, with SCS

SB 596-Days

SB 644-Shields

SB 689-Scott

SB 690-Champion, with SCS

SB 773-Cauthorn and Barnitz, with SCS

SB 820-Koster, with SCS

SB 832-Griesheimer, with SCS

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 (In Fiscal Oversight)
 SB 580-Shields, with SCS
 SB 650-Champion, with SCS
 SB 840-Stouffer
 SB 908-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, with SCS
 SB 871-Coleman

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS

To be Referred

HCR 17-Quinn, et al

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