

Journal of the Senate

SECOND REGULAR SESSION

THIRTY-FIRST DAY—TUESDAY, FEBRUARY 28, 2006

The Senate met pursuant to adjournment.

Shields Stouffer Vogel Wheeler
Wilson—33

Senator Crowell in the Chair.

Reverend Carl Gauck offered the following prayer:

Absent—Senators—None

"From the rising of the sun to its setting the name of the Lord is to be praised." (Psalm 113:3)

Absent with leave—Senators—None

Gracious Lord, we rejoice in this day You have created. We rejoice in the brightness of the sun as it warms us this day and for February, it truly is a blessing to us. Let us use this day to serve You and Your people and let us give You praise everyday. In Your Holy Name we pray. Amen.

Vacancies—1

The Pledge of Allegiance to the Flag was recited.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 2165, regarding Carol Silvey, West Plains, which was adopted.

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

Senator Purgason offered Senate Resolution No. 2166, regarding the Ninety-fifth Birthday of Charles Brown, Houston, which was adopted.

The Journal of the previous day was read and approved.

Senator Purgason offered Senate Resolution No. 2167, regarding the One Hundred Eighth Birthday of Ruby Gregory, Lebanon, which was adopted.

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

Senator Purgason offered Senate Resolution No. 2168, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Tommy Hess, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 2169, regarding Stephen Dumas, which was

adopted.

Senator Purgason offered Senate Resolution No. 2170, regarding Teresa Ferguson, which was adopted.

Senator Purgason offered Senate Resolution No. 2171, regarding Steven Dooley, which was adopted.

Senator Purgason offered Senate Resolution No. 2172, regarding Ronny Byerly, which was adopted.

Senator Purgason offered Senate Resolution No. 2173, regarding Paula Stewart, which was adopted.

Senator Purgason offered Senate Resolution No. 2174, regarding Jeff Keeling, which was adopted.

Senator Purgason offered Senate Resolution No. 2175, regarding Brent Lacey, which was adopted.

Senator Purgason offered Senate Resolution No. 2176, regarding Mike Ennis, which was adopted.

Senator Purgason offered Senate Resolution No. 2177, regarding Sarah Bressler, which was adopted.

Senator Purgason offered Senate Resolution No. 2178, regarding Kent Fry, which was adopted.

Senator Purgason offered Senate Resolution No. 2179, regarding James Hughes, which was adopted.

Senator Purgason offered Senate Resolution No. 2180, regarding Mary Brawley, which was adopted.

Senator Purgason offered Senate Resolution No. 2181, regarding Tom Jones, which was adopted.

Senator Purgason offered Senate Resolution No. 2182, regarding Howard Smith, which was adopted.

Senator Purgason offered Senate Resolution No. 2183, regarding Tammy Taber, which was adopted.

Senator Purgason offered Senate Resolution No. 2184, regarding Steve Emery, which was adopted.

Senator Purgason offered Senate Resolution No. 2185, regarding Ronald Rose, which was adopted.

Senator Purgason offered Senate Resolution No. 2186, regarding Bill Cox, which was adopted.

Senator Purgason offered Senate Resolution No. 2187, regarding Jonathan Martin, which was adopted.

Senator Purgason offered Senate Resolution No. 2188, regarding John Tippen, which was adopted.

Senator Purgason offered Senate Resolution No. 2189, regarding Chris Street, which was adopted.

Senator Purgason offered Senate Resolution No. 2190, regarding Jeff Wood, which was adopted.

Senator Purgason offered Senate Resolution No. 2191, regarding Mark Simmerock, which was adopted.

Senator Purgason offered Senate Resolution No. 2192, regarding Mary Kay Rainbolt, which was adopted.

Senator Purgason offered Senate Resolution No. 2193, regarding Roger Miller, which was adopted.

INTRODUCTION OF BILLS

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

SB 1126—By Clemens.

An Act to repeal section 226.750, RSMo, and to enact in lieu thereof two new sections relating to

state highway rest areas.

SB 1127–By Purgason.

An Act to amend chapter 307, RSMo, by adding thereto one new section relating to displaying identifying information on the rear of certain commercial motor vehicles, with penalty provisions.

SB 1128–By Purgason.

An Act to repeal sections 337.010, 337.015, and 337.020, RSMo, and to enact in lieu thereof five new sections relating to psychologist licensing.

SB 1129–By Green.

An Act to repeal section 94.110, RSMo, and to enact in lieu thereof one new section relating to third class cities regulating real estate agents.

SB 1130–By Green.

An Act to repeal section 79.365, RSMo, relating to boards of fourth class cities.

SB 1131–By Goodman.

An Act to repeal section 191.317, RSMo, and to enact in lieu thereof one new section relating to confidential medical test results.

SB 1132–By Wheeler and Griesheimer.

An Act to repeal section 537.600, RSMo, and to enact in lieu thereof one new section relating to sovereign immunity.

SB 1133–By Scott.

An Act to amend chapter 302, RSMo, by adding thereto one new section relating to providing nondrivers licenses for voting purposes, with an emergency clause.

SB 1134–By Scott.

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to the creation of the small-business advocacy programs.

SB 1135–By Scott.

An Act to repeal sections 86.590, 375.298,

375.320, 375.330, 375.340, 375.345, 375.390, 375.424, 375.480, 375.532, 375.534, 375.1070, 375.1072, 375.1075, 376.170, 376.190, 376.280, 376.300, 376.301, 376.303, 376.305, 376.307, 376.320, 376.672, 376.1012, 377.100, 377.200, 381.068, and 409.950, RSMo, and to enact in lieu thereof thirty-eight new sections relating to insurance company investments, with penalty provisions.

SB 1136–By Vogel.

An Act to repeal section 144.083, RSMo, and to enact in lieu thereof one new section relating to sales tax license renewal.

SB 1137–By Vogel.

An Act to repeal section 135.010, RSMo, and to enact in lieu thereof one new section relating to the removal of the full year residency requirement for the property tax credit program.

SB 1138–By Vogel.

An Act to repeal sections 142.900, 143.221, 143.511, 143.551, and 144.080, RSMo, and to enact in lieu thereof five new sections relating to electronic filing of returns for income, motor fuel, sales, and withholding taxes, with penalty provisions.

SB 1139–By Gibbons and Kennedy.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the Sergeant William McEntee Memorial highway.

SB 1140–By Gibbons.

An Act to repeal sections 21.810, 67.110, 137.055, 138.380, and 138.395, RSMo, and to enact in lieu thereof eight new sections relating to real property taxes.

SB 1141–By Barnitz.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to erecting signs at state roads that intersect or cross the thirty-eighth parallel.

SB 1142—By Graham.

An Act to repeal sections 173.355, 173.360, 173.385, and 173.425, RSMo, and to enact in lieu thereof seven new sections relating to the higher education loan authority.

SB 1143—By Mayer.

An Act to repeal sections 301.131, 301.150, 301.310, 301.420, 301.440, 301.716, 307.010, 307.015, 307.090, 307.120, 307.125, 307.155, 307.172, 307.173, 307.195, 307.198, 307.365, 307.375, 307.390, 307.400, and 556.021, RSMo, and to enact in lieu thereof twenty-two new sections relating to modification of penalties, with penalty provisions.

SB 1144—By Mayer.

An Act to repeal section 211.093, RSMo, and to enact in lieu thereof one new section relating to orders issued by a juvenile court.

SB 1145—By Mayer.

An Act to amend chapter 41, RSMo, by adding thereto one new section relating to the Missouri national guard members, with an emergency clause.

SB 1146—By Ridgeway.

An Act to repeal sections 536.010 and 536.100, RSMo, and to enact in lieu thereof two new sections relating to administrative procedure and review.

SB 1147—By Ridgeway, Scott, Purgason, Gross and Gibbons.

An Act to repeal section 143.111, RSMo, and to enact in lieu thereof five new sections relating to health savings accounts.

SB 1148—By Ridgeway.

An Act to repeal sections 26.220, 26.225, 27.095, 27.100, 28.305, 28.310, 29.405, 29.410, 30.505, and 30.510, RSMo, and to enact in lieu thereof ten new sections relating to the transition period for statewide elected officials.

SB 1149—By Kennedy.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to drug testing of construction company employees on school property.

HOUSE BILLS ON SECOND READING

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

HCS for **HB 1014**—Appropriations.

SENATE BILLS FOR PERFECTION

Senator Gibbons moved that **SB 872**, **SB 754** and **SB 669**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 872**, **754** and **669**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 872, 754 and 669**

An Act to repeal sections 304.022, 304.351, and 304.580, RSMo, and to enact in lieu thereof five new sections relating to the safe operation of motor vehicles to ensure the safety of highway workers, emergency workers, and other motorists, with penalty provisions and an effective date for a certain section.

Was taken up.

Senator Gibbons moved that **SCS** for **SBs 872**, **754** and **669** be adopted.

Senator Gibbons offered **SS** for **SCS** for **SBs 872**, **754** and **669**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 872, 754 and 669**

An Act to repeal sections 302.302, 304.022, 304.351, and 304.580, RSMo, and to enact in lieu thereof six new sections relating to the safe operation of motor vehicles to ensure the safety of highway workers, emergency workers, and other motorists, with penalty provisions and an effective date for a certain section.

Senator Gibbons moved that **SS** for **SCS** for **SBs 872, 754 and 669** be adopted.

Senator Ridgeway assumed the Chair.

Senator Days offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 872, 754 and 669, Page 6, Section 304.022, Lines 22-25, by striking all of said lines;

And further amend same bill, same page, same section, line 26, by striking the subsection identifier “4” and inserting in lieu thereof “3”;

And further amend same bill, page 8, same section, line 5, by striking the subsection identifier “5” and inserting in lieu thereof “4”;

And further amend same bill, same page, same section, lines 5-6, by striking the words “subsection 4” and inserting in lieu thereof the words “**subsection 3**”;

And further amend same bill, same page, same section, line 28, by striking the subsection identifier “6” and inserting in lieu thereof “5”;

And further amend same bill, page 9, same section, line 4, by striking the subsection identifier “7” and inserting in lieu thereof “6”.

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

Senator Days offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 872, 754 and 669, Page 16, Section 304.582, Lines 7-9, by striking the words “A second or subsequent violation of this subsection shall result in the court assessing” and inserting in lieu thereof the following: “**Upon a second or subsequent such conviction or plea of guilty, the court shall assess**”;

And further amend same bill, same page, same

section, lines 18-19, by striking the words “A second or subsequent violation of this subsection shall result in the court assessing” and inserting in lieu thereof the following: “**Upon a second or subsequent such conviction or plea of guilty, the court shall assess**”.

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

Senator Days offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 872, 754 and 669, Page 18, Section 304.585, Line 14, by inserting after the word “through” the words “**or around**”;

And further amend same bill, page 19, same section, line 6, by striking all of said line;

And further amend same bill, same page, same section, line 7, by striking the subdivision identifier “f” and inserting in lieu thereof the subdivision identifier “e”;

And further amend same bill, same page, same section, line 10, by striking the subdivision identifier “g” and inserting in lieu thereof the subdivision identifier “f”;

And further amend same bill, same page, same section, same line, by striking the words “; or” and inserting in lieu thereof the punctuation mark “.”;

And further amend same bill, same page, same section, lines 11-12, by striking all of said lines.

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

Senator Crowell offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 872, 754 and 669, Page 11, Section 304.351, Line 23, of said page, by striking the word “surcharge” and

inserting in lieu thereof the following: “**penalty**”; and

Further amend said bill and section, Page 12, Line 3 of said page, by striking the word “surcharge” and inserting in lieu thereof the following: “**penalty**”; and further amend line 9 of said page, by striking the word “surcharge” and inserting in lieu thereof the following: “**penalty**”; and further amend lines 16 to 21 of said page, by striking said lines; and further amend said section by renumbering the remaining subsection accordingly.

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

Senator Coleman offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 872, 754 and 669, Page 1, In the Title, Line 5, by inserting after “emergency workers,” the following: “children,”; and

Further amend said bill, Page 9, Section 304.022, Line 5, by inserting after all of said line the following:

“304.070. 1. Any person who violates any of the provisions of subsections 1, 3, and 6 of section 304.050 is guilty of a class A misdemeanor. In addition, beginning July 1, 2005, the court may suspend the driver's license of any person who violates the provision of subsection 1 of section 304.050. If ordered by the court, the director shall suspend the driver's license for ninety days for a first offense of subsection 1 of section 304.050, and one hundred twenty days for a second or subsequent offense of subsection 1 of section 304.050. **Any person who violates subsection 1 of section 304.050 where such violation results in the injury of any child shall be guilty of a class D felony. Any person who violates subsection 1 of section 304.050 where such violation causes the death of any child shall be**

guilty of a class C felony.

2. Any appeal of a suspension imposed under subsection 1 of this section shall be a direct appeal of the court order and subject to review by the presiding judge of the circuit court or another judge within the circuit other than the judge who issued the original order to suspend the driver's license. The director of revenue's entry of the court-ordered suspension on the driving record is not a decision subject to review pursuant to section 302.311, RSMo. Any suspension of the driver's license ordered by the court under this section shall be in addition to any other suspension that may occur as a result of the conviction pursuant to other provisions of law.”; and

Further amend the title and enacting clause accordingly.

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

Senator Gibbons moved that **SS** for **SCS** for **SBs 872, 754 and 669**, as amended, be adopted, which motion prevailed.

On motion of Senator Gibbons, **SS** for **SCS** for **SBs 872, 754 and 669**, as amended, was declared perfected and ordered printed.

Senator Griesheimer moved that **SB 1001, SB 896 and SB 761**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 1001, 896 and 761**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 1001, 896 and 761**

An Act to repeal sections 302.130, 302.171, and 302.178, RSMo, and to enact in lieu thereof four new sections relating to the licensure of certain motor vehicle drivers, with penalty provisions and an emergency clause for a certain section.

Was taken up.

Senator Griesheimer moved that **SCS** for **SBs 1001, 896 and 761** be adopted.

Senator Griesheimer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 1001, 896 and 761, Page 11, Section 302.171, Lines 99-100, by striking the words “and was” from said lines and inserting in lieu thereof the following: “**may use a**”; and further amend line 100, by striking the word “a”; and further amend line 100, by inserting immediately after “license,” the following: “**Missouri**”; and further amend lines 101-102, by striking “is exempt from showing” and inserting in lieu thereof the following: “**as**”.

Senator Griesheimer moved that the above amendment be adopted.

At the request of Senator Griesheimer, **SB 1001, SB 896 and SB 761**, with **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

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 915**, 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.

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 Senator Gross.

INTRODUCTION OF BILLS

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

SB 1150—By Bartle.

An Act to repeal section 547.200, RSMo, and to enact in lieu thereof one new section relating to appeals brought by a prosecuting or circuit attorney.

SB 1151—By Bartle.

An Act to repeal section 620.1878, RSMo, and to enact in lieu thereof one new section relating to business regulation.

SB 1152—By Bartle.

An Act to amend chapters 191 and 196, RSMo, by adding thereto two new sections relating to human cloning, with penalty provisions.

SB 1153—By Bartle.

An Act to repeal sections 197.500, 198.006, 198.070, 208.909, 210.906, 660.050, 660.053, 660.054, 660.055, 660.057, 660.058, 660.060, 660.062, 660.067, 660.069, 660.070, 660.099, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, 660.400, 660.403, 660.405, 660.407, 660.409, 660.411, 660.414, 660.416, 660.418, 660.420, 660.512, 660.620, 660.625, 660.600, 660.603, 660.605, and 660.608, RSMo, and to enact in lieu thereof forty-nine new sections relating to protections for disabled persons and senior citizens, with penalty provisions.

SB 1154—By Mayer.

An Act to repeal section 105.955, RSMo, and to enact in lieu thereof one new section relating to the requirements for membership on the Missouri ethics commission.

SB 1155—By Stouffer.

An Act to repeal section 197.291, RSMo, and to enact in lieu thereof one new section relating to the technical advisory committee on the quality of patient care and nursing practices.

SB 1156—By Nodler.

An Act to repeal section 173.360, RSMo, and to enact in lieu thereof one new section relating to the Missouri higher education loan authority.

SB 1157—By Loudon.

An Act to repeal section 429.603, RSMo, and to enact in lieu thereof one new section relating to commercial real estate broker liens.

SB 1158—By Clemens.

An Act to repeal section 260.546, RSMo, and to enact in lieu thereof one new section relating to the payment of cleanup costs for anhydrous ammonia releases.

SB 1159—By Clemens.

An Act to repeal section 537.353, RSMo, and to enact in lieu thereof one new section relating to liability for damage or destruction of field crop products.

SB 1160—By Mayer, Griesheimer, Nodler, Alter, Vogel and Koster.

An Act to amend chapter 64, RSMo, by adding thereto fifteen new sections relating to the Missouri county planning act, with penalty provisions.

SB 1161—By Shields.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to charitable solicitations.

SJR 40—By Bartle.

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, relating to harvest heritage.

SJR 41—By Mayer.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 20 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to denying bail.

SECOND READING OF SENATE BILLS

The following Bills were read the 2nd time

and referred to the Committees indicated:

SB 1086—Economic Development, Tourism and Local Government.

SB 1087—Judiciary and Civil and Criminal Jurisprudence.

SB 1088—Education.

SB 1089—Ways and Means.

SB 1090—Ways and Means.

SB 1091—Pensions, Veterans' Affairs and General Laws.

SB 1092—Commerce, Energy and the Environment.

SB 1093—Financial and Governmental Organizations and Elections.

SB 1094—Economic Development, Tourism and Local Government.

SB 1095—Financial and Governmental Organizations and Elections.

SB 1096—Transportation.

SB 1097—Economic Development, Tourism and Local Government.

SB 1098—Ways and Means.

SB 1099—Financial and Governmental Organizations and Elections.

SB 1100—Judiciary and Civil and Criminal Jurisprudence.

SB 1101—Economic Development, Tourism and Local Government.

SB 1102—Economic Development, Tourism and Local Government.

SB 1103—Small Business, Insurance and Industrial Relations.

SENATE BILLS FOR PERFECTION

PRIVILEGED MOTIONS

Having voted on the prevailing side, Senator

Griesheimer moved that the vote by which Senate Substitute for Senate Committee Substitute for Senate Bill No. 583, as amended, was perfected be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Coleman	Koster	Wheeler—3
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Absent with leave—Senators—None

Vacancies—1

At the request of Senator Griesheimer, the motion to perfect **SS** for **SCS** for **SB 583**, as amended, was withdrawn.

Having voted on the prevailing side, Senator Griesheimer moved that the vote by which Senate Substitute for Senate Committee Substitute for Senate Bill No. 583, as amended, was adopted be reconsidered, which motion prevailed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Crowell	Days	Dougherty	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Kennedy	Klindt
Loudon	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wilson—30		

NAYS—Senators—None

Absent—Senators

Coleman	Koster	Wheeler—3
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Absent with leave—Senators—None

Vacancies—1

At the request of Senator Griesheimer, the motion to adopt **SS** for **SCS** for **SB 583**, as amended, was withdrawn.

At the request of Senator Griesheimer, **SS** for **SCS** for **SB 583**, as amended, was withdrawn.

Senator Griesheimer offered **SS No. 2** for **SCS** for **SB 583**, entitled:

SENATE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 583

An Act to repeal sections 33.080, 301.190, 301.800, 307.366, 643.305, 643.310, 643.315, 643.320, 643.330, 643.335, 643.350, and 643.360, RSMo, and to enact in lieu thereof thirteen new sections relating to the state emissions inspection program, with an effective date for certain sections and penalty provisions.

Senator Griesheimer moved that **SS No. 2** for **SCS** for **SB 583** be adopted.

Senator Klindt offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 583, Page 14, Section 307.367, Line 22, by inserting after all of said line the following:

“307.375. 1. The owner of every bus used to transport children to or from school in addition to any other inspection required by law shall submit the vehicle to an [official] inspection [station] **conducted by the state highway patrol**, and obtain a certificate of inspection, sticker, seal or other device annually, but the inspection of the vehicle shall not be made more than sixty days prior to operating the vehicle during the school

year. The inspection shall, in addition to the inspection of the mechanism and equipment required for all motor vehicles under the provisions of sections 307.350 to 307.390, include an inspection to ascertain that the following items are correctly fitted, adjusted, and in good working condition:

- (1) All mirrors, including crossview, inside, and outside;
- (2) The front and rear warning flashers;
- (3) The stop signal arm;
- (4) The crossing control arm on public school buses required to have them pursuant to section 304.050, RSMo;
- (5) The rear bumper to determine that it is flush with the bus so that hitching of rides cannot occur;
- (6) The exhaust tailpipe shall be flush with or may extend not more than two inches beyond the perimeter of the body or bumper;
- (7) The emergency doors and exits to determine them to be unlocked and easily opened as required;
- (8) The lettering and signing on the front, side and rear of the bus;
- (9) The service door;
- (10) The step treads;
- (11) The aisle mats or aisle runners;
- (12) The emergency equipment which shall include as a minimum a first aid kit, flares or fuses, and a fire extinguisher;
- (13) The seats, including a determination that they are securely fastened to the floor;
- (14) The emergency door buzzer;
- (15) All hand hold grips;
- (16) The interior glazing of the bus.

2. In addition to the inspection required by subsection 1 of this section, the Missouri state

highway patrol shall conduct an inspection after February first of each school year of all vehicles required to be marked as school buses under section 304.050, RSMo. This inspection shall be conducted by the Missouri highway patrol in cooperation with the department of elementary and secondary education and shall include, as a minimum, items in subsection 1 of this section and the following:

- (1) The driver seat belts;
- (2) The heating and defrosting systems;
- (3) The reflectors;
- (4) The bus steps;
- (5) The aisles;
- (6) The frame.

3. If, upon inspection, conditions which violate the standards in subsection 2 of this section are found, the owner or operator shall have them corrected in ten days and notify the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent. If the defects or unsafe conditions found constitute an immediate danger, the bus shall not be used until corrections are made and the superintendent of the Missouri state highway patrol or those persons authorized by the superintendent are notified.

4. The Missouri highway patrol may inspect any school bus at any time and if such inspection reveals a deficiency affecting the safe operation of the bus, the provisions of subsection 3 of this section shall be applicable.

307.390. 1. Any person who violates any provision of [sections 307.350 to 307.390] **section 307.375** is guilty of a misdemeanor and upon conviction shall be punished as provided by law.

2. The superintendent of the Missouri state highway patrol may assign qualified persons who are not highway patrol officers to investigate and enforce motor vehicle safety inspection laws and regulations pursuant to [sections 307.350 to

307.390] **section 307.375** and sections 643.300 to 643.355, RSMo. A person assigned by the superintendent pursuant to the authority granted by this subsection shall be designated a motor vehicle inspector and shall have limited powers to issue a uniform complaint and summons for a violation of the motor vehicle inspection laws and regulations. A motor vehicle inspector shall not have authority to exercise the power granted in this subsection until such inspector successfully completes training provided by, and to the satisfaction of, the superintendent.”; and

Further amend said bill, Page 44, Section 643.353, Line 25, by inserting after all of said line the following:

“[307.350. 1. The owner of every motor vehicle as defined in section 301.010, RSMo, which is required to be registered in this state, except:

(1) New motor vehicles which have not been previously titled and registered, for the two-year period following their model year of manufacture;

(2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; and

(3) Historic motor vehicles registered pursuant to section 301.131, RSMo;

shall submit such vehicles to a biennial inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section

307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application for registration or within sixty days of when a vehicle's registration is transferred. Any vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved pursuant to the safety inspection program established pursuant to sections 307.350 to 307.390 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390 in each odd-numbered year. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.

2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.

3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any special personalized license plates available

pursuant to section 301.144, RSMo, or a set of any license plates available pursuant to section 301.142, RSMo, prior to the expiration date of such motor vehicle's current registration.

4. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.]

[307.353. Other provisions of law notwithstanding, no person shall be required to have a biennial vehicle inspection during a registration period which exceeds two years. The inspection required at the beginning of the registration period shall be valid for the entire registration period.]

[307.355. 1. No state registration license to operate the type of vehicle required to be inspected by section 307.350 may be transferred or issued during a biennial registration year in which the vehicle is required to be inspected unless the application is accompanied by a certificate of inspection and approval issued no more than sixty days prior to the date of application, or in the case of school buses, which will be required to be inspected annually as provided in section 307.375, except:

(1) The director of revenue may transfer or issue a state registration license to the type of vehicle required to be inspected by section 307.350 without a certificate of inspection and approval accompanying the application if the director has satisfactory evidence that the vehicle was not in the state of Missouri at any time during the sixty days prior to the date of application; however, the owner of every such vehicle must submit the vehicle for inspection and obtain a certificate of inspection and approval within ten days after the vehicle is first returned to the state of Missouri;

(2) The director of revenue shall renew a vehicle's registration license without a certificate of inspection and approval accompanying the application if satisfactory documentary evidence is presented at the time of application that the license

being renewed was properly transferred within a six-month period prior to the expiration of the license being renewed or that the vehicle for which the registration is being issued was issued a registration for a period of less than one year for the registration period just expiring.

2. If due to interstate operation a commercial motor vehicle as defined in section 301.010, RSMo, or a trailer of the type required to be inspected is required to obtain full fee registration in this and any other state during the same calendar year, no Missouri certificate of inspection and approval is required if the vehicle bears evidence that a current valid inspection sticker or decal was issued by such other state in which the vehicle is registered; provided that the sticker or decal issued by such other state is valid for the registration period in this state.

3. After a commercial motor vehicle as defined in section 301.010, RSMo, has been registered for the current year, no certificate of inspection and approval is required when a local commercial motor vehicle license is changed to a beyond-local commercial motor vehicle license or when the licensed gross weight is changed during the licensed period.]

[307.360. 1. The superintendent of the Missouri state highway patrol shall issue permits and written instructions to official inspection stations and shall furnish forms and certificates for the inspection of brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel system, and any other safety equipment required by the state. In no instance will road testing of a vehicle be considered a part of the inspection procedure.

2. The superintendent of the Missouri state highway patrol shall prescribe the standards and equipment necessary for an official inspection station and the qualifications for persons who conduct the inspections, and no applicant may be

approved to operate an official inspection station until the applicant meets the standards and has the required equipment and qualified inspectors as prescribed. The superintendent of the Missouri state highway patrol shall establish standards and procedures to be followed in the making of inspections required by sections 307.350 to 307.390 and shall prescribe rules and regulations for the operation of the stations.

3. (1) The application for permit as an official inspection station shall be made to the superintendent of the Missouri state highway patrol on a form furnished by the superintendent. The fee for a permit to operate an official inspection station shall be ten dollars per year and each permit shall be renewed annually on the date of issue. All fees shall be payable to the director of revenue and shall be deposited by him in the state treasury to the credit of the state highway fund.

(2) The application shall set forth the name under which applicant transacts or intends to transact business, the location of the applicant's place of business and such other information as the superintendent of the Missouri state highway patrol may require. If the applicant has or intends to have more than one place of business within the state, a separate application shall be made for each place of business. If the applicant is a partnership, the application shall set forth the names of the partners; if a corporation, the names of the officers shall be shown. The application shall be signed and verified by oath or affirmation of the owner or an authorized officer or partner.

(3) Each location which fulfills the superintendent of the Missouri state highway patrol's requirements and whose owners, proprietors and employees comply with the superintendent's regulations and qualifications shall be designated as an official inspection station and the applicant issued a certificate. The superintendent of the Missouri state highway patrol shall investigate all applicants for inspection station permits to determine whether or not the

premises, equipment and personnel meet the requirements prescribed by him.

(4) Any automobile mechanic who has had at least one year of practical experience as an automotive mechanic or any person who has successfully completed a course of vocational instruction in automotive mechanics from a generally recognized educational institution, either public or private, and who has demonstrated the knowledge and ability to conduct an inspection in compliance with the regulations established by the superintendent of the Missouri state highway patrol may be issued a permit to conduct inspections at any official inspection station. No person without a valid permit shall conduct any part of an inspection, except a person without a valid permit may assist in the inspection of a vehicle by operating the vehicle's lighting equipment and signaling devices. The superintendent of the Missouri state highway patrol may require a mechanic to be reexamined at any time to determine the mechanic's knowledge and ability to conduct an inspection. If the mechanic fails the reexamination or refuses to be reexamined, the permit issued to the mechanic shall be suspended until the mechanic passes the examination but under no circumstances can the mechanic again be tested until a period of thirty days has elapsed. No fee shall be charged for the permit and the permit shall remain valid for a period of three years from the date of issue or until suspended or revoked by the superintendent of the Missouri state highway patrol.

(5) The superintendent of the Missouri state highway patrol may issue a private official inspection station permit to any association, person, partnership, corporation and/or subsidiary corporation, and governmental entity having registered or titled in his, her or its name in this state one or more vehicles of the type required to be inspected by section 307.350, or who maintains such vehicles under a written maintenance agreement of at least one year's duration and who maintains approved inspection facilities and has

qualified personnel; but separate permits must be obtained for separate facilities of the same association, person, partnership, corporation and/or subsidiary corporation, or governmental entity. Such private stations shall inspect only vehicles registered or to be registered, titled or to be titled or maintained in the name of the person or organization described on the application for permit. No fee shall be charged for a permit issued to a governmental entity.

4. (1) The superintendent of the Missouri state highway patrol shall supervise and cause inspections to be made of the official inspection stations and inspecting personnel and if the superintendent finds that the provisions of sections 307.350 to 307.390 or the regulations issued pursuant to sections 307.350 to 307.390 are not being complied with, or that the business of an official inspection station, in connection with corrections, adjustments, repairs or inspection of vehicles is being improperly conducted, the superintendent shall suspend or revoke the permit of the station for a period of not less than thirty days or more than one year and require the immediate surrender and return of the permit, together with all official forms and certificates of inspection and approval. If the superintendent finds that an inspector has violated any of the provisions of sections 307.350 to 307.390 or the regulations issued pursuant to sections 307.350 to 307.390, the superintendent shall suspend or revoke the inspector's permit for a period of not less than thirty days nor more than one year. If a station operator or if an inspector violates any of the provisions of sections 307.350 to 307.390, he or she is subject to prosecution as provided in section 307.390.

(2) The suspension or revocation of a station permit or of an inspector's permit shall be in writing to the operator, inspector, or the person in charge of the station. Before suspending or revoking either of the permits, the superintendent shall serve notice in writing by certified mail or by personal service to the permittee at the permittee's

address of record giving the permittee the opportunity to appear in the office of the superintendent on a stated date, not less than ten nor more than thirty days after the mailing or service of the notice, for a hearing to show cause why the permittee's permit should not be suspended or revoked. An inspection station owner or an inspector may appear in person or by counsel in the office of the superintendent to show cause why the proposed suspension or revocation is in error, or to present any other facts or testimony that would bear on the final decision of the superintendent. If the permittee or the permittee's agent does not appear on the stated day after receipt of notice, it shall be presumed that the permittee admits the allegations of fact contained in the hearing notification letter. The decision of the superintendent may in such case be based upon the written reports submitted by the superintendent's officers. The order of the superintendent, specifying his findings of fact and conclusions of law, shall be considered final immediately after receipt of notice thereof by the permittee.

(3) Any person whose permit is suspended or revoked or whose application for a permit is denied may within ten days appeal the action as provided in chapter 536, RSMo.]

[307.365. 1. No permit for an official inspection station shall be assigned or transferred or used at any location other than therein designated and every permit shall be posted in a conspicuous place at the location designated. The superintendent of the Missouri state highway patrol shall design and furnish each official inspection station, at no cost, one official sign made of metal or other durable material to be displayed in a conspicuous location to designate the station as an official inspection station. Additional signs may be obtained by an official inspection station for a fee equal to the cost to the state. Each inspection station shall also be supplied with one or more posters which must be displayed in a conspicuous location at the place of inspection and which

informs the public that required repairs or corrections need not be made at the inspection station.

2. No person operating an official inspection station pursuant to the provisions of sections 307.350 to 307.390 may issue a certificate of inspection and approval for any vehicle except upon an official form furnished by the superintendent of the Missouri state highway patrol for that purpose and only after inspecting the vehicle and determining that its brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel system and any other safety equipment as required by the state are in proper condition and adjustment to be operated upon the public highways of this state with safety to the driver or operator, other occupants therein, as well as other persons and property upon the highways, as provided by sections 307.350 to 307.390 and the regulations prescribed by the superintendent of the Missouri state highway patrol. Brakes may be inspected for safety by means of visual inspection or computerized brake testing. No person operating an official inspection station shall furnish, loan, give or sell a certificate of inspection and approval to any other person except those entitled to receive it under provisions of sections 307.350 to 307.390. No person shall have in such person's possession any certificate of inspection and approval and/or inspection sticker with knowledge that the certificate and/or inspection sticker has been illegally purchased, stolen or counterfeited.

3. The superintendent of the Missouri state highway patrol may require officially designated stations to furnish reports upon forms furnished by the superintendent for that purpose as the superintendent considers reasonably necessary for the proper and efficient administration of sections 307.350 to 307.390.

4. If, upon inspection, defects or unsafe conditions are found, the owner may correct them

or shall have them corrected at any place the owner chooses within twenty days after the defect or unsafe condition is found, and shall have the right to remove the vehicle to such place for correction, but before the vehicle is operated thereafter upon the public highways of this state, a certificate of inspection and approval must be obtained. The inspecting personnel of the official inspection station must inform the owner that the corrections need not be made at the inspection station.

5. A fee, not to exceed twelve dollars, as determined by each official inspection station, may be charged by an official inspection station for each official inspection including the issuance of the certificate of inspection and approval, sticker, seal or other device and a total fee, not to exceed ten dollars, as determined by each official inspection station, may be charged for an official inspection of a trailer or motorcycle, which shall include the issuance of the certificate of inspection and approval, sticker, seal or other device. Such fee shall be conspicuously posted on the premises of each such official inspection station. No owner shall be charged an additional inspection fee upon having corrected defects or unsafe conditions found in an inspection completed within the previous twenty consecutive days, excluding Saturdays, Sundays and holidays, if such follow-up inspection is made by the station making the initial inspection. Every inspection for which a fee is charged shall be a complete inspection, and upon completion of the inspection, if any defects are found the owner of the vehicle shall be furnished a list of the defects and a receipt for the fee paid for the inspection. If the owner of a vehicle decides to have any necessary repairs or corrections made at the official inspection station, the owner shall be furnished a written estimate of the cost of such repairs before such repairs or corrections are made by the official inspection station. The written estimate shall have plainly written upon it that the owner understands that the corrections need not be made by the official inspection station and shall have a signature line for the owner. The owner

must sign below the statement on the signature line before any repairs are made.

6. Certificates of inspection and approval, sticker, seal or other device shall be purchased by the official inspection stations from the superintendent of the Missouri state highway patrol. The superintendent of the Missouri state highway patrol shall collect a fee of one dollar and fifty cents for each certificate of inspection, sticker, seal or other device issued to the official inspection stations, except that no charge shall be made for certificates of inspection, sticker, seal or other device issued to official inspection stations operated by governmental entities. All fees collected shall be deposited in the state treasury with one dollar of each fee collected credited to the state highway fund and, for the purpose of administering and enforcing the state motor vehicle laws and traffic regulations, fifty cents credited to the "Highway Patrol Inspection Fund" which is hereby created. The moneys collected and deposited in the highway patrol inspection fund shall be expended subject to appropriations by the general assembly for the administration and enforcement of sections 307.350 to 307.390 by the Missouri state highway patrol. The unexpended balance in the fund at the end of each biennium exceeding the amount of the appropriations from the fund for the first two fiscal years shall be transferred to the state road fund, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to the fund.

7. The owner or operator of any inspection station who discontinues operation during the period that a station permit is valid or whose station permit is suspended or revoked shall return all official signs and posters and any current unused inspection stickers, seals or other devices to the superintendent of the Missouri state highway patrol and shall receive a full refund on request except for official signs and posters, provided the request is made during the calendar year or within sixty days thereafter in the manner prescribed by

the superintendent of the Missouri state highway patrol. Stations which have a valid permit shall exchange unused previous year issue inspection stickers and/or decals for an identical number of current year issue, provided the unused stickers and/or decals are submitted for exchange not later than April thirtieth of the current calendar year, in the manner prescribed by the superintendent of the Missouri state highway patrol.]; and

Further amend said bill, Page 49, Section 307.366, Line 19, by inserting after all of said line the following:

"[307.370. 1. No person shall represent in any manner any place as an official inspection station unless the station is operated under a valid permit issued by the superintendent of the Missouri state highway patrol.

2. No person unless then holding a valid permit shall issue a certificate of inspection and approval, sticker, seal or other device.

3. No person shall make, issue or knowingly use any imitation or counterfeit of an official certificate of inspection, sticker, seal or other device.

4. No person shall display or cause or permit to be displayed upon any vehicle any certificate of inspection and approval, sticker, seal or other device knowing the same to be fictitious or issued for another vehicle or issued without an inspection having been made.]

[307.380. 1. Every vehicle of the type required to be inspected upon having been involved in an accident and when so directed by a police officer must be inspected and an official certificate of inspection and approval, sticker, seal or other device be obtained for such vehicle before it is again operated on the highways of this state. At the seller's expense every vehicle of the type required to be inspected by section 307.350, whether new or used, shall immediately prior to sale be fully inspected regardless of any current certificate of inspection and approval, and an appropriate new

certificate of inspection and approval, sticker, seal or other device shall be obtained.

2. Nothing contained in the provisions of this section shall be construed to prohibit a dealer or any other person from selling a vehicle without a certificate of inspection and approval if the vehicle is sold for junk, salvage, or for rebuilding, or for vehicles sold at public auction or from dealer to dealer. The purchaser of any vehicle which is purchased for junk, salvage, or for rebuilding, shall give to the seller an affidavit, on a form prescribed by the superintendent of the Missouri state highway patrol, stating that the vehicle is being purchased for one of the reasons stated herein. No vehicle of the type required to be inspected by section 307.350 which is purchased as junk, salvage, or for rebuilding shall again be registered in this state until the owner has submitted the vehicle for inspection and obtained an official certificate of inspection and approval, sticker, seal or other device for such vehicle.

3. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.]

[307.385. The superintendent of the Missouri state highway patrol may notify the director of revenue and the director of revenue shall suspend the registration of any vehicle which the superintendent of the Missouri state highway patrol determines, after a written notice, is not equipped as required by law or for which a certificate required by sections 307.350 to 307.390 has not been obtained.]; and

Further amend said bill, Page 50, Section B, Line 41, by inserting after all of said line the following:

“Section C. The repeal of sections 307.350, 307.353, 307.355, 307.360, 307.365, 307.370, 307.375, 307.380, and 307.385, and the repeal and reenactment of sections 307.375 and 307.390 shall become effective January 1, 2007.”; and

Further amend the title and enacting clause

accordingly.

Senator Klindt moved that the above amendment be adopted.

Senator Callahan requested a roll call vote be taken on the adoption of **SA 1** and was joined in his request by Senators Bray, Barnitz, Days and Green.

Senator Bartle offered **SSA 1** for **SA 1**:

SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 583, Page 14, Section 301.800, Line 8, by inserting immediately after all of said line the following:

“307.350. 1. The owner of every motor vehicle as defined in section 301.010, RSMo, which is required to be registered in this state, except:

(1) New motor vehicles which have not been previously titled and registered, for the [two-year] **four-year** period following their model year of manufacture;

(2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; and

(3) Historic motor vehicles registered pursuant to section 301.131, RSMo;

shall submit such vehicles to a biennial inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses

which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application for registration or within sixty days of when a vehicle's registration is transferred. Any vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved pursuant to the safety inspection program established pursuant to sections 307.350 to 307.390 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390 in each odd-numbered year. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.

2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.

3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any

special personalized license plates available pursuant to section 301.144, RSMo, or a set of any license plates available pursuant to section 301.142, RSMo, prior to the expiration date of such motor vehicle's current registration.

4. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.”; and

Further amend the title and enacting clause accordingly.

Senator Bartle moved that the above substitute amendment be adopted.

Senator Callahan offered **SA 1** to **SSA 1** for **SA 1**, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 583, Page 1, Section 307.350, Line 20, by deleting the words “a biennial” and inserting in lieu thereof the words “an every fifty year”; and

Further amend page 2, section 307.350, lines 10 to 17, by deleting said lines and inserting in lieu thereof “days of when a vehicle’s registration is transferred. The certificate of inspection and”.

Senator Callahan moved that the above amendment be adopted.

Senator Bartle raised the point of order that **SA 1** to **SSA 1** for **SA 1** is out of order in that it is in the third degree.

The point of order was referred to the President Pro Tem.

At the request of Senator Bartle, his point of order was withdrawn.

Senator Callahan requested a roll call vote be taken on the adoption of **SA 1** to **SSA 1** for **SA 1**. He was joined in his request by Senators Bray, Dougherty, Days and Barnitz.

SA 1 to SSA 1 for SA 1 failed of adoption by the following vote:

YEAS—Senators
Barnitz Callahan Clemens Crowell—4

NAYS—Senators
Alter Bartle Bray Cauthorn
Champion Days Dougherty Engler
Gibbons Griesheimer Gross Kennedy
Klindt Koster Loudon Mayer
Nodler Purgason Ridgeway Scott
Shields Stouffer Vogel Wilson—24

Absent—Senators
Coleman Goodman Graham Green—4

Absent with leave—Senator Wheeler—1

Vacancies—1

SSA 1 for SA 1 was again taken up.

Senator Bartle moved that the above substitute amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Gibbons, Engler, Days and Kennedy.

SSA 1 for SA 1 failed of adoption by the following vote:

YEAS—Senators
Alter Bartle Champion Engler
Gibbons Griesheimer Gross Kennedy
Koster Ridgeway—10

NAYS—Senators
Barnitz Bray Callahan Cauthorn
Clemens Crowell Days Dougherty
Klindt Loudon Mayer Nodler
Purgason Scott Shields Stouffer
Vogel Wilson—18

Absent—Senators
Coleman Goodman Graham Green—4

Absent with leave—Senator Wheeler—1

Vacancies—1

SA 1 was again taken up.

Senator Klindt moved that the above amendment be adopted, which motion prevailed by the following vote:

YEAS—Senators
Barnitz Bartle Callahan Cauthorn
Champion Clemens Crowell Klindt
Loudon Mayer Nodler Purgason
Scott Shields Stouffer—15

NAYS—Senators
Alter Bray Days Dougherty
Engler Gibbons Goodman Griesheimer
Gross Kennedy Koster Ridgeway
Vogel Wilson—14

Absent—Senators
Coleman Graham Green—3

Absent with leave—Senator Wheeler—1

Vacancies—1

Senator Griesheimer moved that **SS No. 2 for SCS for SB 583**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS No. 2 for SCS for SB 583**, as amended, was declared perfected and ordered printed.

Senator Griesheimer moved that **SB 1001, SB 896 and SB 761**, with **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.

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

Senator Scott offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bills Nos. 1001, 896 and 761, Page 1, In the Title, Line 4, by striking the following: “a certain section” and inserting in lieu thereof the following:

“certain sections”; and

Further amend said bill, Page 14, Section 302.178, Line 115, by inserting after all of said line the following:

“302.183. The provisions of section 136.055, RSMo, and section 302.181 notwithstanding, any applicant who requests a nondriver's license with a photograph or digital image (nondriver's license photo identification) for the purpose of voting and complying with section 115.427, RSMo, shall not be required to pay a fee for the nondriver's license if the applicant executes an affidavit averring that the applicant does not have any other form of photographic personal identification that meets the requirements of subsection 1 of section 115.417, RSMo. The state of Missouri shall pay the legally required fees for any such applicant. The director shall design an affidavit to be used for this purpose. However, any person residing in a facility licensed under chapter 198, RSMo, otherwise competent to vote, shall be issued a nondriver's license photo identification through a mobile processing system operated by the Missouri department of revenue upon a written request by such person to the department attesting that the person is physically unable to otherwise obtain a nondriver's license photo identification. The total cost associated with nondriver's license photo identification under this subsection shall be borne by the state of Missouri from funds appropriated to the department of revenue for that specific purpose. The department of revenue and a local election authority may enter into a contract that allows the local election authority to assist the department in issuing nondriver's license photo identifications.”; and

Further amend said bill, Page 15, Section B, Line 7, by inserting after all of said line the following:

“Section C. Because voting is essential in promoting democracy, section 302.183 of this act

is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and section 302.183 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Scott moved that the above amendment be adopted.

Senator Days raised the point of order that SA 2 is out of order as it is not germane to the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

Senator Barnitz offered SA 3, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bills Nos. 1001, 896 and 761, Page 13, Section 302.178, Line 59, by inserting immediately at the end of said line the following: **“The passenger restrictions of this subsection shall not be applicable to any intermediate driver's license holder who is operating a motor vehicle being used in agricultural work-related activities.”.**

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

Senator Barnitz offered SA 4, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bills Nos. 1001, 896 and 761, Page 13, Section 302.178, Lines 55-56, by striking the phrase “After the expiration of the first six months,” and inserting in lieu thereof the following: **“During the next six months,”.**

Senator Barnitz moved that the above amendment be adopted, which motion failed.

Senator Koster assumed the Chair.

Senator Griesheimer moved that **SCS** for **SBs 1001, 896 and 761**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SCS** for **SBs 1001, 896 and 761**, as amended, was declared perfected and ordered printed.

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 1169**, entitled:

An Act to repeal section 355.151, RSMo, and to enact in lieu thereof one new section relating to corporate name revisions.

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 1157**, entitled:

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to designation of the official state game bird.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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 **SS** for **SCS** for **SBs 872, 754 and 669**, 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.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SBs 872, 754 and 669** to the Committee on Governmental Accountability and Fiscal Oversight.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

February 27, 2006

Senator Mike Gibbons
President Pro Tem
Missouri Senate
State Capitol, Room 326
Jefferson City, MO 65101

Dear Senator Gibbons:

This is to advise you that I will be acting Governor from 7:15 p.m. Monday, February 27th until the Governor returns on February 28th, at approximately 6:25 p.m.

Please submit this to the Senate Journal. Thank you for your assistance.

Sincerely,

/s/ Pete Kinder

PETER D. KINDER

Lieutenant Governor

Also,

February 6, 2006

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

Dear Mrs. Spieler:

Pursuant to Section 104.1006 of the Revised Statutes of Missouri (RSMo 2002), I am appointing the following to the Simplified Sales Tax Project:

Mr. John O'Connell (private sector appointment)

Please do not hesitate to contact my office if you have any questions regarding this matter.

Thank you.

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Also,

February 27, 2006

Mrs. Terry Spieler
Secretary of the Senate
State Capitol, Room 324
Jefferson City, MO 65101

Re: Special Committee on Fuel, Waste, and the Environment

Dear Mrs. Spieler:

I write to inform you that I am hereby forming a special senate committee on Fuel, Waste, and the Environment.

The committee is charged with the task of conducting hearings for the purpose of exploring the feasibility and effectiveness of fueling innovative animal and human waste management practices to create energy, protect Missouri's environment, solve odor issues, and sustain rural economic development. The committee will issue to the Senate a report of findings and proposed recommendation of actions to address this issue.

I am appointing the following senators to serve on the Special Committee on Fuel, Waste, and the Environment:

- John Cauthorn, Chairman
- Bill Stouffer
- David Klindt
- Maida Coleman
- Frank Barnitz

Please contact my office if you have any questions regarding this matter. Thank you.

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

Also,

February 28, 2006

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

Re: Appointments to The Missouri Job Training Joint Legislative Oversight Committee

Dear Mrs. Spieler:

Pursuant to Section 620.481 RSMo, I am appointing the following to the Missouri Job Training Joint Legislative Oversight Committee:

- Senator Michael R. Gibbons
- Senator John Griesheimer
- Senator Harry Kennedy

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

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

RESOLUTIONS

Senator Gross offered Senate Resolution No. 2194, regarding the 2005 State Champion Christian High School Soccer Team, O'Fallon, which was adopted.

Senator Klindt offered Senate Resolution No. 2195, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Eldon Lee Everhart, Maryville, which was adopted.

Senator Klindt offered Senate Resolution No. 2196, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Leroy McGinness, Maryville, which was adopted.

Senator Klindt offered Senate Resolution No. 2197, regarding Jonathan Arnold, Gallatin, which was adopted.

Senator Klindt offered Senate Resolution No. 2198, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. James E. Cline, St. Joseph, which was adopted.

Senator Crowell offered Senate Resolution No. 2199, regarding Mr. and Mrs. Timothy W. Bockhorst, which was adopted.

Senator Crowell offered Senate Resolution No. 2200, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Cliff F. Rudesill, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2201, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Cecil Blaylock, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2202, regarding the One Hundredth Birthday of Edith K. Hastings, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2203, regarding Rollet Brothers Logistics,

Incorporated, Perryville, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2204, regarding Taylor Michael Wallace, Kansas City, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2205, regarding Elisha T. Woods, Overland Park, Kansas, which was adopted.

Senator Cauthorn offered Senate Resolution No. 2206, regarding Julia Shuck, Perry, which was adopted.

Senator Cauthorn offered Senate Resolution No. 2207, regarding Kenny Weber, Kirksville, which was adopted.

Senator Loudon offered Senate Resolution No. 2208, regarding Beverly R. Stewart, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Callahan introduced to the Senate, Keet Kopecky, Kay Thomas, Nathan Proctor and Blake Thompson, Longview Community College, Jackson County.

Senator Callahan introduced to the Senate, the Physician of the Day, Dr. Donald Potts, M.D., Independence.

Senator Kennedy introduced to the Senate, Sandie Whited, Shannon Gestes and Jennifer Ebmeyer, St. Louis.

Senator Griesheimer introduced to the Senate, Jennifer Guccione, Eureka; St. Louis Community College-Meramec.

Senator Kennedy introduced to the Senate, Stephen Albrecht and Alexandra Johnson, St. Louis.

On behalf of Senator Bray, Senator Kennedy introduced to the Senate, Corinne Currington, St. Louis.

Senator Nodler introduced to the Senate, faculty and fourteen students from Crowder College, Neosho.

Senator Griesheimer introduced to the Senate, Roy Esslinger, Pacific; St. Louis Community College.

Senator Klindt introduced to the Senate, Kenneth Clem, Jay Shipp, Michele Town-zen, Tiffany Crawford, Calvin Lollar, Leslie Wray, John Rundy, Amanda Lamtsert, Megan Schmit and Cara Williams; North Central Missouri Community College, Trenton.

Senator Griesheimer introduced to the Senate, former State Representative Jim Froelker, Gerald; and Dr. Ed Jackson, Washington; Ed and Kim Weber, Union; Sharon Sutton, Warrenton; Dot Schowe, New Haven; Dana Jackson, Washington; Tom Dill, Washington; Jim Perry, Washington; Catherine Scott, St. Clair; Charlie Betz, Sullivan; and Jon Bauer, Washington; East Central College, Union.

Senator Goodman introduced to the Senate, students from Missouri State University, Springfield.

Senator Purgason introduced to the Senate, Brenda Jackson and fifty-five eighth grade students from Fairview School, West Plains.

Senator Cauthorn introduced to the Senate, Mr. and Mrs. Ken Carroll, Hannibal.

Senator Stouffer introduced to the Senate, Corn Growers from Mid-MO Energy.

Senator Mayer introduced to the Senate, Judge John Beaton, Francis Gould, Heather Eddy, Anita Rutledge, Tom Campbell and Mike Davis.

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

SENATE CALENDAR

 THIRTY-SECOND DAY—WEDNESDAY, MARCH 1, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1104-Cauthorn and Klindt	SB 1134-Scott
SB 1105-Cauthorn	SB 1135-Scott
SB 1106-Cauthorn	SB 1136-Vogel
SB 1107-Cauthorn	SB 1137-Vogel
SB 1108-Engler	SB 1138-Vogel
SB 1109-Griesheimer	SB 1139-Gibbons and Kennedy
SB 1110-Barnitz	SB 1140-Gibbons
SB 1111-Goodman	SB 1141-Barnitz
SB 1112-Goodman	SB 1142-Graham
SB 1113-Goodman	SB 1143-Mayer
SB 1114-Goodman	SB 1144-Mayer
SB 1115-Nodler	SB 1145-Mayer
SB 1116-Stouffer	SB 1146-Ridgeway
SB 1117-Stouffer	SB 1147-Ridgeway, et al
SB 1118-Stouffer, et al	SB 1148-Ridgeway
SB 1119-Bray	SB 1149-Kennedy
SB 1120-Bray and Engler	SB 1150-Bartle
SB 1121-Gross	SB 1151-Bartle
SB 1122-Shields	SB 1152-Bartle
SB 1123-Shields	SB 1153-Bartle
SB 1124-Shields	SB 1154-Mayer
SB 1125-Coleman	SB 1155-Stouffer
SB 1126-Clemens	SB 1156-Nodler
SB 1127-Purgason	SB 1157-Loudon
SB 1128-Purgason	SB 1158-Clemens
SB 1129-Green	SB 1159-Clemens
SB 1130-Green	SB 1160-Mayer, et al
SB 1131-Goodman	SB 1161-Shields
SB 1132-Wheeler and Griesheimer	SJR 40-Bartle
SB 1133-Scott	SJR 41-Mayer

HOUSE BILLS ON SECOND READING

HCS for HJR 36
HJR 28-Jackson

HB 1169-Cooper (120)
HB 1157-Cooper (120), et al

THIRD READING OF SENATE BILLS

SCS for SB 915-Koster, et al

SS for SCS for SBs 872, 754 &
669-Gibbons (In Fiscal Oversight)

SENATE BILLS FOR PERFECTION

- | | |
|---|------------------------------------|
| 1. SB 780-Klindt | 6. SB 643-Scott |
| 2. SB 816-Griesheimer and Coleman, with SCS | 7. SRB 848-Bartle, with SCS |
| 3. SB 646-Griesheimer, with SCS | 8. SB 916-Koster, et al, with SCS |
| 4. SB 566-Dougherty, et al, with SCS | 9. SB 938-Stouffer |
| 5. SBs 665 & 757-Engler, with SCS | 10. SB 953-Engler, et al, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 & 890-Bartle and Scott, with SCS	SB 820-Koster, with SCS
SB 596-Days	SB 832-Griesheimer, with SCS
SB 644-Shields	SB 849-Mayer, et al, with SS, SA 6 & SA 1 to SA 6 (pending)
SB 689-Scott	SBs 1014 & 730-Scott and Gibbons, with SCS
SB 690-Champion, with SCS	SJR 26-Ridgeway and Graham

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 749-Engler, with SCS	SB 630-Gross, with SCS
SB 747-Klindt, with SCS	SB 805-Gross
SB 641-Scott	SB 612-Engler
SB 818-Scott	SB 712-Scott
SB 819-Scott	SB 802-Shields, with SCS
SB 828-Scott	SB 648-Champion
SB 678-Gross	SB 677-Gross

Reported 2/9

SB 559-Gibbons	SB 618-Koster (In Fiscal Oversight)
SB 558-Gibbons	SB 580-Shields, with SCS
SB 746-Klindt, with SCS	SB 650-Champion, with SCS
SB 881-Engler	SB 840-Stouffer
SB 900-Shields	SB 908-Stouffer
SB 765-Dougherty, with SCS	

Reported 2/16

SB 837-Loudon and Klindt	SB 893-Scott
SB 906-Engler	SB 919-Scott
SB 932-Scott, with SCS	SB 751-Stouffer, with SCS
SB 933-Scott	SB 863-Engler
SB 934-Engler, with SCS	SB 809-Graham
SB 561-Gross	SB 760-Engler, with SCS
SB 766-Vogel	SB 830-Ridgeway, et al, with SCS
SB 936-Vogel	SB 871-Coleman

Reported 2/23

SB 585-Champion	SB 990-Vogel
SB 1003-Mayer, with SCS	SBs 667, 704, 941, 956 & 987-Engler, with SCS
SB 965-Bartle	SB 779-Engler
SB 806-Gross, with SCS	SB 735-Crowell
SB 901-Shields	
SB 964-Crowell	

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS	SCR 28-Days
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MISCELLANEOUS

REMONSTRANCE 1-Gross