

Journal of the Senate

FIRST REGULAR SESSION

TENTH DAY—MONDAY, JANUARY 22, 2007

The Senate met pursuant to adjournment.

Senator Rupp in the Chair.

Reverend Carl Gauck offered the following prayer:

“If the only prayer you say in your whole life is “Thank you,” that would suffice.” (Meister Eckhart)

Gracious God, we are thankful for the needed watering of the earth and the variety of ways that it comes to us, but there are times when it is ice and snow that travel becomes impossible and dangerous. And so we are thankful for those who continue to clear our roads and walkways so that we might be about the various things You have given us to do. We thank You for watching our “going out and coming in” and bringing us safely back to the work we need to do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal for Thursday, January 18, 2007 was read and approved.

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

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager

Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

RESOLUTIONS

Senator Bray offered Senate Resolution No. 157, regarding Nicole Brawley, Saint Louis, which was adopted.

Senator Bray offered Senate Resolution No. 158, regarding Emily Callaway, Saint Louis, which was adopted.

Senator Bray offered Senate Resolution No. 159, regarding Ashlea Hallman, Saint Louis, which was adopted.

Senator Bray offered Senate Resolution No. 160, regarding Gabrielle Droesch, Saint Louis, which was adopted.

Senator Bray offered Senate Resolution No. 161, regarding Eddie Rogers, Saint Louis, which was adopted.

Senator Graham offered Senate Resolution

No. 162, regarding Ken Applegate, Columbia, which was adopted.

Senator Champion offered Senate Resolution No. 163, regarding Russ RuBert, Springfield, which was adopted.

Senator Barnitz offered Senate Resolution No. 164, regarding Joseph Krill, Waynesville, which was adopted.

Senator Crowell offered Senate Resolution No. 165, regarding the Leopold R-III School District, which was adopted.

Senator Crowell offered Senate Resolution No. 166, regarding Jerry Grim, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 167, regarding Martin Priggel, Benton, which was adopted.

Senator Kennedy offered Senate Resolution No. 168, regarding Thomas Bozzo, which was adopted.

Senators Ridgeway and Coleman offered Senate Resolution No. 169, regarding the Greater Kansas City, Mid-Missouri, and St. Louis Affiliates of Susan G. Komen for the Cure, which was adopted.

Senator Ridgeway offered Senate Resolution No. 170, regarding Jeremy Christian Tyler Cruz, Liberty, which was adopted.

Senator Lager offered Senate Resolution No. 171, regarding the Eightieth Birthday of Millie Smith, which was adopted.

Senator Lager offered Senate Resolution No. 172, regarding the Ninetieth Birthday of Marie Meyer Funderburk, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 173, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Dean Wiley, Fairfax, which was adopted.

Senator Lager offered Senate Resolution No. 174, regarding the Ninetieth Birthday of

Mabel Adams, Mt. Ayr, Iowa, which was adopted.

Senator Lager offered Senate Resolution No. 175, regarding the Eightieth Birthday of Billy "Bill" Maddock, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 176, regarding the Ninety-fifth Birthday of Evelyn Boyd Fore, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 177, regarding the Ninetieth Birthday of Vesta L. Helzer Medsker, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 178, regarding Charles "Butch" Bayne, Pattonsburg, which was adopted.

Senator Lager offered Senate Resolution No. 179, regarding the Fifty-fifth Wedding Anniversary of Mr. and Mrs. Gordon Comer, Bethany, which was adopted.

Senator Lager offered Senate Resolution No. 180, regarding Rick Horn, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 181, regarding Lisa Stiens, Skidmore, which was adopted.

Senator Bray offered Senate Resolution No. 182, regarding the Rachel Carson Council, which was adopted.

CONCURRENT RESOLUTIONS

Senators Bray, Smith and Days offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 6

WHEREAS, we affirm the inherent dignity of all people, regardless of color, religion, or immigration status, and we expect equality and justice for all; and

WHEREAS, hard working, tax paying immigrants embody our Missouri values of hard work, faith, and family and come to establish roots in Missouri communities in search of the American Dream; and

WHEREAS, we reject the extremism of anti-immigrant groups that seek to use fear to confuse and divide our communities; and

WHEREAS, we support the right of all Missourians to express their opinions about the best course for our nation's immigration laws and commit ourselves to advancing a civil, respectful, and humane dialogue on the same; and

WHEREAS, we recognize the connections between many anti-immigrant groups and white nationalist organizations and disavow their message of racial hatred; and

WHEREAS, we acknowledge the proud history of our state and our nation as a country of immigrants and believe that immigrants continue to be an important part of our heritage and prosperity:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby call for a unified voice against anti-immigrant groups and their organized bigotry and dangerous vigilantism and continue working together in coalition with immigrant, labor, community, business, and religious groups to promote a welcoming Missouri and protecting the civil and human rights of Missouri's immigrant families while calling on Congress to address our nation's broken immigration system in a comprehensive fashion; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Governor Matt Blunt and the members of the Missouri congressional delegation.

Senators Bray, Smith and Days offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 7

Relating to the ratification of the Equal Rights Amendment to the United States Constitution.

WHEREAS, three years after women won the right to vote, the Equal Rights Amendment to the United States Constitution, authored by Alice Paul, head of the National Women's Party, was introduced in Congress by Senator Curtis and Representative Anthony, both Republicans; and

WHEREAS, the Equal Rights Amendment to the United States Constitution passed the United States Senate and then the United States House of Representatives, and on March 22, 1972, the proposed Amendment to the United States Constitution was sent to the states for ratification; and

WHEREAS, the Equal Rights Amendment to the United States Constitution states:

"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification."; and

WHEREAS, Congress placed a deadline of June 30, 1982, on the ratification process and thirty-five states ratified the proposed Amendment before the deadline; and

WHEREAS, Congress may not have the constitutional authority to place a deadline on the ratification process; and

WHEREAS, Article V of the United States Constitution allows the General Assembly of the State of Missouri to ratify this proposed Amendment to the Constitution of the United States; and

WHEREAS, the General Assembly of the State of Missouri finds that the proposed Amendment is meaningful and needed as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were when the proposed Amendment was first submitted for adoption:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, that the Equal Rights Amendment to the United States Constitution is hereby ratified; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Archivist of the United States, Washington, D.C.; the Vice President of the United States; the Speaker of the United States House of Representatives; and each member of the Missouri Congressional Delegation with request that it be printed in the Congressional Record.

Read 1st time.

INTRODUCTION OF BILLS

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

SB 328—By Engler.

An Act to repeal section 260.200, RSMo, and to enact in lieu thereof two new sections relating to bio reactor landfills.

SB 329—By Engler.

An Act to repeal section 444.772, RSMo, and to enact in lieu thereof one new section relating to land reclamation fees.

SB 330—By Engler.

An Act to repeal section 483.245, RSMo, and to enact in lieu thereof one new section relating to

deputy circuit clerks.

SB 331—By Stouffer and Gibbons.

An Act to repeal section 226.030, RSMo, and to enact in lieu thereof one new section relating to eliminating the annual state of the state transportation address.

SB 332—By Stouffer.

An Act to repeal sections 595.010, 595.015, 595.020, 595.025, 595.027, 595.030, 595.035, 595.036, 595.037, 595.040, 595.045, and 595.060, RSMo, and to enact in lieu thereof thirteen new sections relating to the crime victims' compensation fund, with penalty provisions.

SB 333—By Stouffer.

An Act to repeal sections 192.745, 199.001, 199.003, 199.009, and 304.028, RSMo, and to enact in lieu thereof five new sections relating to the brain injury advisory council.

SB 334—By Griesheimer.

An Act to repeal section 407.400, RSMo, and to enact in lieu thereof two new sections relating to brand extensions for beer products.

SB 335—By Griesheimer.

An Act to repeal sections 301.130, 301.140, 301.144, 301.170, 301.177, 301.200, 301.218, 301.280, 301.550, 301.560, 301.567, 301.570, RSMo, section 301.190 as enacted by house committee substitute for senate substitute no. 2 for senate committee substitute for senate bill no. 583, ninety-third general assembly, second regular session, section 301.190 as enacted by senate substitute for senate committee substitute for house bill no. 487 merged with senate bill no. 488, ninety-third general assembly, first regular session, section 301.566 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1288, ninety-second general assembly, second regular session, and section 301.566 as enacted by house substitute for

senate substitute for senate committee substitute for senate bill nos. 1233, 840 & 1043, ninety-second general assembly, second regular session, and to enact in lieu thereof fourteen new sections relating to motor vehicles, with penalty provisions and an effective date for certain sections.

SB 336—By Bray, Days and Smith.

An Act to repeal sections 290.400, 290.410, 290.440, and 290.450, RSMo, and to enact in lieu thereof five new sections relating to equal employment practices.

SB 337—By Bray and Smith.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to business video surveillance of firearms and ammunition, with penalty provisions.

SB 338—By Mayer.

An Act to amend chapter 484, RSMo, by adding thereto one new section relating to allowing attorneys to provide legal services to needy persons without compensation.

SB 339—By Mayer.

An Act to repeal section 290.250, RSMo, and to enact in lieu thereof eight new sections relating to public contracts, with penalty provisions.

SB 340—By Goodman.

An Act to repeal section 375.918, RSMo, and to enact in lieu thereof one new section relating to the use of credit scores by insurance companies.

SB 341—By Goodman.

An Act to repeal sections 306.010, 306.100, 306.132, and 306.221, RSMo, and to enact in lieu thereof four new sections relating to the regulation of watercraft, with penalty provisions.

SB 342—By Kennedy and Coleman.

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

SB 343—By Justus.

An Act to repeal sections 211.442, 211.444, 452.445, 452.455, 453.015, 453.040, 475.010, and 475.070, RSMo, and to enact in lieu thereof eight new sections relating to the consent or notice required of an unknown father.

SB 344—By Justus and Wilson.

An Act to repeal section 59.319, RSMo, and to enact in lieu thereof one new section relating to recording fees.

SB 345—By Shoemyer.

An Act to amend chapter 137, RSMo, by adding thereto one new section relating to a county property tax for cemetery maintenance.

SB 346—By Shoemyer.

An Act to repeal section 334.735, RSMo, and to enact in lieu thereof two new sections relating to medical professionals.

SB 347—By Shoemyer.

An Act to repeal section 301.010, RSMo, and to enact in lieu thereof two new sections relating to utility vehicles, with penalty provisions.

SJR 15—By Green.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 8 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to term limits.

SJR 16—By Shoemyer.

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 26(b) of article VI of the Constitution of Missouri, and adopting one new section in lieu thereof relating to submission of certain ballot measures by local governments.

CONCURRENT RESOLUTIONS

Senator Wilson offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 8

WHEREAS, in the aftermath of the Anderson Guest House Residential Care Facility fire on November 27, 2006, in which eleven deaths occurred, Governor Matt Blunt directed the Department of Health and Senior Services and the Department of Mental Health to review their respective fire safety regulations for residential care facilities; and

WHEREAS, the purpose of the review was to identify strategies and recommendations for enhancing current requirements to ensure the safety of residents; and

WHEREAS, on December 29, 2006, the departments issued a final joint report with recommendations on fire safety requirements; and

WHEREAS, the report issued eleven recommendations for improving fire safety including seven recommendations that could be implemented administratively by the departments either internally or through the rule-making process:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, urge the Department of Health and Senior Services and Department of Mental Health to implement the recommendations issued by the departments and deemed possible through the administrative and rule-making process.

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare properly inscribed copies of this resolution to the Governor and to the directors of the Department of Health and Senior Services and Department of Mental Health.

COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following committee, pursuant to **HCR 2**: Senators Gibbons, Shields, Coleman, Rupp, Lager, Goodman, Days, McKenna, Shoemyer and Justus.

RE-REFERRALS

President Pro Tem Gibbons re-referred **SB 225** to the Committee on Agriculture, Conservation, Parks and Natural Resources.

SECOND READING OF SENATE BILLS

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

SB 282—Economic Development, Tourism and Local Government.

SB 283—Economic Development, Tourism and Local Government.

SB 284—Commerce, Energy and the Environment.

SB 285—Judiciary and Civil and Criminal Jurisprudence.

SB 286—Ways and Means.

SB 287—Pensions, Veterans' Affairs and General Laws.

SB 288—Economic Development, Tourism and Local Government.

SB 289—Financial and Governmental Organizations and Elections.

SB 290—Financial and Governmental Organizations and Elections.

SB 291—Financial and Governmental Organizations and Elections.

SB 292—Seniors, Families and Public Health.

SB 293—Financial and Governmental Organizations and Elections.

SB 294—Ways and Means.

SB 295—Small Business, Insurance and Industrial Relations.

SB 296—Ways and Means.

SB 297—Small Business, Insurance and Industrial Relations.

SB 298—Economic Development, Tourism and Local Government.

SB 299—Economic Development, Tourism and Local Government.

SB 300—Judiciary and Civil and Criminal Jurisprudence.

SB 301—Ways and Means.

SB 302—Judiciary and Civil and Criminal Jurisprudence.

SB 303—Pensions, Veterans' Affairs and General Laws.

SB 304—Small Business, Insurance and Industrial Relations.

SB 305—Seniors, Families and Public Health.

SB 306—Financial and Governmental Organizations and Elections.

SB 307—Judiciary and Civil and Criminal Jurisprudence.

SB 308—Financial and Governmental Organizations and Elections.

SB 309—Financial and Governmental Organizations and Elections.

SB 310—Transportation.

SB 311—Economic Development, Tourism and Local Government.

SB 312—Financial and Governmental Organizations and Elections.

SB 313—Commerce, Energy and the Environment.

SB 314—Financial and Governmental Organizations and Elections.

SB 315—Agriculture, Conservation, Parks and Natural Resources.

SB 316—Agriculture, Conservation, Parks and Natural Resources.

SB 317—Agriculture, Conservation, Parks and Natural Resources.

SB 318—Ways and Means.

SB 319—Ways and Means.

SB 320—Education.

SB 321—Judiciary and Civil and Criminal Jurisprudence.

SB 322—Economic Development, Tourism and Local Government.

SB 323—Economic Development, Tourism and Local Government.

SB 324—Ways and Means.

SB 325—Small Business, Insurance and Industrial Relations.

SB 326—Judiciary and Civil and Criminal Jurisprudence.

SB 327—Judiciary and Civil and Criminal Jurisprudence.

SJR 1—Transportation.

SJR 2—Agriculture, Conservation, Parks and Natural Resources.

SJR 3—Governmental Accountability and Fiscal Oversight.

SJR 4—Pensions, Veterans' Affairs and General Laws.

SJR 5—Governmental Accountability and Fiscal Oversight.

SJR 6—Financial and Governmental Organizations and Elections.

SJR 7—Governmental Accountability and Fiscal Oversight.

SJR 8—Education.

SJR 9—Judiciary and Civil and Criminal Jurisprudence.

SJR 10—Judiciary and Civil and Criminal Jurisprudence.

SJR 11—Financial and Governmental Organizations and Elections.

SJR 12—Education.

SJR 13—Ways and Means.

SJR 14—Governmental Accountability and Fiscal Oversight.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

January 18, 2007

President Pro-tem Michael Gibbons
State Capitol
Room 326
Jefferson City, MO 65101

Dear Senator Gibbons,

Please accept this letter as notification of my resignation from the Missouri Military Preparedness and Enhancement Commission.

During my nearly 2 years on the Commission, I have been struck by the passion with which its members show in their advocacy for our military personnel and their families. I am confident that their work has and will continue to make Missouri a more military-friendly state, and will improve the quality of life for our armed service personnel.

While I intend to remain active in the work of the commission, I am afraid that my current schedule will not allow me to maintain my membership.

Thank you for your attention to this matter.

Respectfully,

/s/ Chris Koster

CHRIS KOSTER

Missouri State Senator

INTRODUCTIONS OF GUESTS

Senator Shields introduced to the Senate, Jessica Bahrke, St. Joseph.

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

SENATE CALENDAR

 ELEVENTH DAY—TUESDAY, JANUARY 23, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 328-Engler	SB 339-Mayer
SB 329-Engler	SB 340-Goodman
SB 330-Engler	SB 341-Goodman
SB 331-Stouffer and Gibbons	SB 342-Kennedy and Coleman
SB 332-Stouffer	SB 343-Justus
SB 333-Stouffer	SB 344-Justus and Wilson
SB 334-Griesheimer	SB 345-Shoemyer
SB 335-Griesheimer	SB 346-Shoemyer
SB 336-Bray, et al	SB 347-Shoemyer
SB 337-Bray and Smith	SJR 15-Green
SB 338-Mayer	SJR 16-Shoemyer

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 6-Bray, et al	SCR 8-Wilson
SCR 7-Bray, et al	

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