# Journal of the Senate

FIRST REGULAR SESSION

#### THIRTY-FOURTH DAY—MONDAY, MARCH 5, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"I will instruct you and teach you the way you should go; I will counsel you with my eye upon you." (Psalm 32:8)

Heavenly Father, we begin a new week and have more and more laid before us and we need Your counsel as we work our way through the many bills that are coming before us each day. We know we often see things from different perspectives, yet we hope we can see the good that each bill will provide the people of this state and find ways to bring the best from each. 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, March 1, 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

The Lieutenant Governor was present.

#### RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 503, regarding Joshua Lipina, which was adopted.

Senator Vogel offered Senate Resolution No. 504, regarding Nathan Dismang, which was adopted.

Senator Koster offered Senate Resolution No. 505, regarding Reese P. Harter, Raymore, which was adopted.

Senator Koster offered Senate Resolution No. 506, regarding Eric M. McLaughlin, Belton, which was adopted.

Senator Koster offered Senate Resolution No. 507, regarding Ryan C. Harter, Raymore, which was adopted.

Senator Lager offered Senate Resolution No. 508, regarding the Eightieth Birthday of Roderick "Dick" Schank, Amazonia, which was adopted.

Senator Nodler offered Senate Resolution No. 509, regarding Gerald Hulsey, Carthage, which was adopted.

Senator Kennedy offered Senate Resolution No. 510, regarding Michael Minor, which was adopted.

Senator Coleman offered Senate Resolution No. 511, regarding Con-Way Central Express of Saint Louis, which was adopted.

Senator Rupp offered Senate Resolution No. 512, regarding James C. Frahm, St. Charles, which was adopted.

Senator Crowell offered Senate Resolution No. 513, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Herbert Buchheit, Perryville, which was adopted.

Senator Graham offered Senate Resolution No. 514, regarding Michael A. Dulle, which was adopted.

## **REPORTS OF STANDING COMMITTEES**

Senator Bartle requested unanimous consent of the Senate to correct the report from the Committee on the Judiciary and Civil and Criminal Jurisprudence made on March 1, 2007, by submitting the correct Senate Committee Substitute for **SB 242**, which request was granted.

#### COMMUNICATIONS

Senator Shields submitted the following:

February 28, 2007 Ms. Terry Spieler Secretary of the Senate State Capitol, Office 325 Jefferson City, MO 65101 Dear Ms. Spieler:

The Rules, Joint Rules, Resolutions and Ethics Committee met

today in Senate Committee Room 1. All members present voted to unanimously approve the 94th General Assembly's American Dream Anti-Poverty Caucus. A list of members is attached. Sincerely, /s/ Charlie Charlie Shields American Dream Anti-Poverty Caucus: Representative Judy Baker 25 Senator Jeff Smith 4 Senator Maida J. Coleman 5 Senator Jolie Justus 10 Senator Timothy Green 13 Senator Rita Heard Days 14 Senator Frank Barnitz 16 Senator Chuck Graham 19 Senator Joan Bray 24

## THIRD READING OF SENATE BILLS

**SB 163**, with **SCS**, introduced by Senator Mayer, entitled:

An Act to repeal section 477.650, RSMo, and to enact in lieu thereof one new section relating to the basic civil legal services fund.

Was called from the Consent Calendar and taken up.

Senator Shields assumed the Chair.

SCS for SB 163, entitled:

# SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 163

An Act to repeal sections 477.650 and 488.031, RSMo, and to enact in lieu thereof two new sections relating to the basic civil legal services fund, with an expiration date for certain sections.

Was taken up.

Senator Mayer moved that **SCS** for **SB 163** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SB 163** was read the 3rd time and passed by the following vote:

YEAS-	Senators			Koster
Barnitz	Bartle	Bray	Callahan	McKer
Champion	Clemens	Coleman	Crowell	Rupp
Days	Engler	Gibbons	Goodman	Smith
Graham	Green	Griesheimer	Gross	
Justus	Kennedy	Koster	Lager	ľ
Loudon	Mayer	McKenna	Nodler	
Purgason	Ridgeway	Rupp	Scott	I
Shields	Shoemyer	Smith	Stouffer	
Vogel	Wilson—34			A

NAYS—Senators—None

Absent-Senators-None

Absent with leave-Senators-None

Vacancies-None

The President declared the bill passed.

On motion of Senator Mayer, title to the bill was agreed to.

Senator Mayer moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 406, introduced by Senator Crowell, entitled:

An Act to repeal sections 104.010, 104.352, 104.354, 104.1003, 104.1021, and 104.1087, RSMo, and to enact in lieu thereof six new sections relating to the administration of state employee retirement benefits.

Was called from the Consent Calendar and taken up.

On motion of Senator Crowell, SB 406 was read the 3rd time and passed by the following vote:

YEAS—Senators Bartle Bray Callahan Champion Crowell Days Clemens Coleman Gibbons Goodman Graham Engler Griesheimer Green Justus Kennedy

ster Lager Nodler Kenna Scott Stouffer

Mayer Ridgeway Purgason Shields Shoemyer Wilson-32 Vogel

Loudon

NAYS—Senator Barnitz—1

Absent—Senator Gross—1

Absent with leave-Senators-None

Vacancies-None

The President declared the bill passed.

On motion of Senator Crowell, title to the bill was agreed to.

Senator Crowell moved that the vote by which the bill passed be reconsidered.

Senator Gibbons moved that motion lay on the table, which motion prevailed.

SB 130, introduced by Senator Stouffer, entitled:

An Act to repeal sections 226.530 and 226.580, RSMo, and to enact in lieu thereof two new sections relating to outdoor advertising.

Was called from the Consent Calendar and taken up.

Senator Gross assumed the Chair.

On motion of Senator Stouffer, SB 130 was read the 3rd time and passed by the following vote:

YEAS—S	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		

NAYS—Senators—None

Absent—Senators—None

Absent with leave-Senators-None

Vacancies-None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 238, introduced by Senator Stouffer, entitled:

An Act to repeal section 301.142, RSMo, and to enact in lieu thereof one new section relating to disabled windshield placards, with penalty provisions and an effective date.

Was called from the Consent Calendar and taken up.

On motion of Senator Stouffer, **SB 238** was read the 3rd time and passed by the following vote:

YEAS—S	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		

NAYS—Senators—None

Absent-Senators-None

Absent with leave—Senators—None

Vacancies-None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 240, introduced by Senator Stouffer, entitled:

An Act to repeal section 302.720, RSMo, and to enact in lieu thereof one new section relating to commercial driver license skills test exemptions for qualified military personnel.

Was called from the Consent Calendar and taken up.

On motion of Senator Stouffer, **SB 240** was read the 3rd time and passed by the following vote:

YEAS—S	enators		
Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
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—33			

NAYS—Senators—None

Absent—Senator Days—1

Absent with leave—Senators—None

Vacancies-None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 226, with SCS, introduced by Senator Stouffer, entitled:

An Act to repeal section 577.051, RSMo, and to enact in lieu thereof one new section relating to the handling of certain driving offense records, with penalty provisions.

Was called from the Consent Calendar and taken up.

SCS for SB 226, entitled:

## SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 226

An Act to repeal section 577.051, RSMo, and to enact in lieu thereof one new section relating to the handling of certain driving offense records, with penalty provisions.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 226** be adopted, which motion prevailed.

On motion of Senator Stouffer, SCS for SB 226 was read the 3rd time and passed by the following vote:

YEAS—S	enators		
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		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies-None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill

was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 104, with SCS, introduced by Senator Stouffer, entitled:

An Act to repeal sections 43.251, 302.133, 302.134, 302.135, 302.136, 302.137, 302.178, 577.608, and 650.005, RSMo, and to enact in lieu thereof ten new sections relating to the authority of the state highways and transportation commission over certain highway safety programs previously administered by the division of highway safety or the department of public safety.

Was called from the Consent Calendar and taken up.

#### SCS for SB 104, entitled:

# SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 104

An Act to repeal sections 43.010, 43.030, 43.090, 43.110, 43.120, 43.140, 43.210, 43.220, 43.251, 302.133, 302.134, 302.135, 302.136, 302.137, 302.178, 577.608, and 650.005, RSMo, and to enact in lieu thereof eighteen new sections relating to the administration of certain highway programs.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 104** be adopted, which motion prevailed.

On motion of Senator Stouffer, SCS for SB 104 was read the 3rd time and passed by the following vote:

YEAS—S	enators		
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		

NAYS—Senators—None

Absent-Senators-None

Absent with leave-Senators-None

Vacancies-None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SB 103, with SCS, introduced by Senator Stouffer, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the issuance of specialty license plates.

Was called from the Consent Calendar and taken up.

SCS for SB 103, entitled:

# SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 103

An Act to repeal section 301.030, RSMo, and to enact in lieu thereof two new sections relating to the registration of motor vehicles.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 103** be adopted.

At the request of Senator Stouffer, the motion to adopt **SCS** for **SB 103** was withdrawn, which placed the bill back on the Calendar.

SB 102, introduced by Senator Stouffer, entitled:

An Act to repeal section 304.180, RSMo, and to enact in lieu thereof one new section relating to vehicle weight regulations.

Was called from the Consent Calendar and taken up.

On motion of Senator Stouffer, **SB 102** was read the 3rd time and passed by the following vote:

YEAS—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		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies-None

The President declared the bill passed.

On motion of Senator Stouffer, title to the bill was agreed to.

Senator Stouffer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

**SB 91**, with **SCS**, introduced by Senator Nodler, entitled:

An Act to repeal sections 301.550 and 301.560, RSMo, and to enact in lieu thereof two new sections relating to the sole purpose of exempting dealers who sell emergency vehicles from certain dealer licensure requirements.

Was called from the Consent Calendar and taken up.

## SCS for SB 91, entitled:

# SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 91

An Act to repeal sections 301.550 and 301.560, RSMo, and to enact in lieu thereof two new sections relating to the sole purpose of exempting dealers who sell emergency vehicles from certain dealer licensure requirements.

Was taken up.

Senator Nodler moved that **SCS** for **SB 91** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **SB 91** was read the 3rd time and passed by the following vote:

YEAS—S	enators		
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		

NAYS—Senators—None

Absent—Senators—None

Absent with leave-Senators-None

Vacancies-None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

Senator Nodler moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

The Senate observed a moment of silence in memory of former U.S. Senator Thomas F.

Eagleton.

## **MESSAGES FROM THE HOUSE**

The following message was 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 **HCS** for **HB 678**, entitled:

An Act to amend chapter 171, RSMo, by adding thereto one new section relating to school attendance in inclement weather, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

#### SECOND READING OF SENATE BILLS

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

SB 652—Education.

SB 653—Health and Mental Health.

**SB 654**—Economic Development, Tourism and Local Government.

**SB 655**—Judiciary and Civil and Criminal Jurisprudence.

**SB 656**—Judiciary and Civil and Criminal Jurisprudence.

**SB 657**—Financial and Governmental Organizations and Elections.

SB 658—Seniors, Families and Public Health.

**SB 659**—Judiciary and Civil and Criminal Jurisprudence.

**SB 660**—Judiciary and Civil and Criminal Jurisprudence.

SB 661—Ways and Means.

**SB 662**—Financial and Governmental Organizations and Elections.

SB 663—Education.

**SB 664**—Financial and Governmental Organizations and Elections.

**SB** 665—Small Business, Insurance and Industrial Relations.

**SB 666**—Financial and Governmental Organizations and Elections.

**SB 667**—Financial and Governmental Organizations and Elections.

**SB 668**—Small Business, Insurance and Industrial Relations.

**SB 669**—Pensions, Veterans' Affairs and General Laws.

SB 670—Seniors, Families and Public Health.

**SB 671**—Economic Development, Tourism and Local Government.

SB 672—Ways and Means.

**SB 673**—Judiciary and Civil and Criminal Jurisprudence.

SB 674—Commerce, Energy and the Environment.

SB 675—Seniors, Families and Public Health.

**SB 676**—Judiciary and Civil and Criminal Jurisprudence.

SB 677—Seniors, Families and Public Health.

**SB 678**—Economic Development, Tourism and Local Government.

**SB 679**—Economic Development, Tourism and Local Government.

SB 680—Seniors, Families and Public Health.

**SB 681**—Economic Development, Tourism and Local Government.

**SB 682**—Economic Development, Tourism and Local Government.

**SB 683**—Judiciary and Civil and Criminal Jurisprudence.

**SB 684**—Economic Development, Tourism and Local Government.

**SB 685**—Judiciary and Civil and Criminal Jurisprudence.

**SB 686**—Judiciary and Civil and Criminal Jurisprudence.

SB 687—Ways and Means.

SB 688—Education.

SB 689—Education.

# REFERRALS

President Pro Tem Gibbons referred **SCR 22**, **SCR 23** and **HCR 15** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons referred **SB 164** to the Committee on Governmental Accountability and Fiscal Oversight.

# **INTRODUCTIONS OF GUESTS**

Senator Ridgeway introduced to the Senate, A. David Reinhart and Robin Meyers, Clay County.

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

## SENATE CALENDAR

## THIRTY-FIFTH DAY-TUESDAY, MARCH 6, 2007

#### FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 690-Smith and Kennedy SB 691-Gross SB 692-Ridgeway SB 693-Ridgeway SB 694-Shields SB 695-Kennedy and Smith SB 696-Wilson and Coleman SB 697-Ridgeway, et al SB 698-Ridgeway, et al SB 699-Lager SB 700-Purgason SB 701-Goodman SB 702-Bray and Smith SB 703-Bray SB 704-Bray SB 704-Bray SB 705-Mayer SB 706-Mayer SB 707-Gibbons SB 708-Shoemyer SB 709-Shoemyer SB 710-Coleman SJR 25-Loudon SJR 25-Loudon SJR 26-Bray SJR 27-Ridgeway and Loudon SJR 28-Scott

# HOUSE BILLS ON SECOND READING

HB 269-Nolte

HCS for HB 678

## THIRD READING OF SENATE BILLS

SB 244-Mayer SB 107-Wilson SCS for SBs 62 & 41-Goodman and Koster SB 164-Scott (In Fiscal Oversight)

#### SENATE BILLS FOR PERFECTION

SB 204-Stouffer, with SCS
 SB 64-Goodman and Koster, with SCS

3. SB 456-Gross, with SCS 4. SB 2-Gibbons, with SCS

- SB 3-Gibbons, with SCS
  SB 268-Coleman
  SB 54-Koster, with SCS
  SBs 239, 24 & 445-Stouffer, with SCS
  SB 215-Loudon, with SCS
  SB 297-Loudon, with SCS
  SB 40-Ridgeway
  SB 47-Engler, with SCS
  SB 418-Champion, with SCS
  SBs 260 & 71-Koster, et al, with SCS
  SBs 370, 375 & 432-Scott and Koster, with SCS
  SB 257-Engler, et al
  SJRs 9 & 17-Crowell and Bartle, with SCS
- SB 242-Nodler, with SCS
  SB 160-Rupp, with SCS
  SB 320-Clemens, with SCS
  SB 492-Crowell
  SB 476-Crowell
  SB 303-Loudon, et al
  SB 363-Bartle
  SB 82-Griesheimer, with SCS
  SB 112-Rupp
  SB 31-Nodler
  SB 250-Ridgeway and Vogel
  SB 570-Clemens
  SB 444-Goodman
  SB 364-Koster, with SCS

# INFORMAL CALENDAR

# SENATE BILLS FOR PERFECTION

SB 16-Scott, with SCS SB 21-Griesheimer, with SCS SB 22-Griesheimer, with SCS SB 27-Bartle and Koster SB 75-Coleman, et al, with SCS SB 101-Mayer SB 155-Engler, with SCS SB 169-Rupp, with SCS SB 274-Shields SB 282-Griesheimer, with SCS SB 287-Crowell and Vogel SB 292-Mayer SB 300-Bartle SB 389-Nodler, et al, with SCS & SS#2 for SCS (pending) SB 430-Shields, et al, with SCS

# CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

SB 103-Stouffer, with SCS

SB 8-Kennedy SB 156-Engler, with SCS SB 159-Engler, with SCS SB 272-Scott, with SCS SB 132-Rupp SB 171-Nodler SB 269-Scott Reported 2/15

SB 270-Scott SB 271-Scott SB 158-Engler SB 281-Griesheimer SB 237-Shields and Justus SB 223-Rupp

Reported 2/22

SB 325-Loudon SB 308-Crowell, et al, with SCS SB 162-Vogel SB 184-Green SB 218-Graham SB 233-Crowell SB 376-Griesheimer

SB 166-Griesheimer SB 299-Purgason, with SCS SB 323-Graham SB 334-Griesheimer SB 345-Shoemyer SB 360-Goodman, with SCS SB 393-McKenna SB 352-Clemens SB 139-Bray SB 200-Stouffer SB 543-Stouffer SB 397-Stouffer, with SCS SB 67-Rupp, with SCS SB 135-Nodler SB 236-Shields SB 172-Ridgeway SB 395-McKenna

Reported 3/1

SB 547-Griesheimer SB 549-Scott SB 341-Goodman, with SCS SB 416-Goodman SB 328-Engler SB 407-Shoemyer SB 309-Stouffer, with SCS SB 332-Stouffer SB 498-Scott SB 440-Days and Gibbons