

Journal of the Senate

SECOND REGULAR SESSION

SIXTIETH DAY—TUESDAY, APRIL 25, 2006

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

"God gives Grace unto the humble." (James 4:6)

Lord we know that You give to the humble the gifts of an understanding heart, sympathy, kindness, tenderheartedness, patience, and charity. We know that the proud have trouble with receiving such gifts and putting them into daily practice. Help us be willing to give up foolish pride, arrogance, conceit and selfishness and open us to receive Your Grace known to the humble. 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 of the previous day was read and approved.

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

Present—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer

Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 2880

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri

Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate chamber for the purpose of their regular session from 8:00 a.m. to 4:30 p.m. on October 26, 2006 and from 8:00 a.m. to 12 noon on October 27, 2006.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 2880** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 2880** was adopted.

Senator Mayer offered Senate Resolution No. 2881, regarding Katie Patterson, Advance, which was adopted.

Senator Mayer offered Senate Resolution No. 2882, regarding Mary L. Joplin Cook, Greenville, which was adopted.

Senator Clemens offered Senate Resolution No. 2883, regarding Sara Hodge, Republic, which was adopted.

Senator Bartle offered Senate Resolution No. 2884, regarding Dr. Tony Stansberry, Lee's Summit, which was adopted.

Senator Gibbons offered Senate Resolution No. 2885, regarding Bryan Matthew Arrendell, St. Louis, which was adopted.

Senator Stouffer offered Senate Resolution No. 2886, regarding the Tyree Homestead Farm, Lexington, which was adopted.

Senator Crowell offered Senate Resolution No. 2887, regarding Linda L. Whitener, which was adopted.

Senator Crowell offered Senate Resolution No. 2888, regarding Delma Eileen Farrell, which was adopted.

Senator Crowell offered Senate Resolution No. 2889, regarding Sheila Mickey Porter, which was adopted.

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

Senator Gross requested unanimous consent of the Senate that the rules be suspended for the purpose of allowing the conferees on **SCS for HB 1001; SCS for HCS for HB 1002; SCS for HCS for HB 1003; SCS for HCS for HB 1004; SCS for HCS for HB 1005; SCS for HCS for HB 1006; SCS for HCS for HB 1007; SCS for HB 1008; SCS for HB 1009; SCS for HCS for HB 1010; SCS for HCS for HB 1011; SCS for HCS for HB 1012; and SCS for HB 1013**, to meet while the Senate is in session, which request was granted.

HOUSE BILLS ON THIRD READING

HCS for HB 1339 was placed on the Informal Calendar.

HCS for HBs 1270 and 1027, with **SCS**, entitled:

An Act to amend chapter 414, RSMo, by adding thereto one new section relating to ethanol blend fuel.

Was taken up by Senator Cauthorn.

SCS for HCS for HBs 1270 and 1027, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 1270 and 1027

An Act to amend chapter 414, RSMo, by adding thereto one new section relating to ethanol blend fuel.

Was taken up.

Senator Cauthorn moved that **SCS for HCS for HBs 1270 and 1027** be adopted.

Senator Bartle offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1270 and 1027, Page 4, Section 414.255, Line 119, by inserting immediately after all of said line the following:

“10. The provisions of this section shall not take effect until such time as the department of transportation can certify to the general assembly that fuel ethanol-blended gasoline does not reduce fuel efficiency in comparison to unblended gasoline with a similar antiknock index number.”.

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

Senator Shields offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1270 and 1027, Page 1, In the Title, Lines 1-2, by striking the words “ethanol blend” and inserting in lieu thereof the following: “renewable”; and

Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said line the following:

“142.031. 1. As used in this section the following terms shall mean:

(1) “Biodiesel”, fuel as defined in ASTM Standard D-6751 or its subsequent standard specifications for biodiesel fuel (B100) blend stock for distillate fuels;

(2) “**Missouri** qualified biodiesel producer”, a facility that produces biodiesel, is registered with the United States Environmental Protection Agency according to the requirements of 40 CFR 79, and **is**:

(a) At least fifty-one percent is owned by agricultural producers **who are residents of this state and who are** actively engaged in agricultural production for commercial purposes; **or**

(b) **At least eighty percent of the feedstock used by the facility originates in the state of Missouri. For purposes of this section, the term “feedstock” shall mean a Missouri agriculture product as defined in section 348.400, RSMo.**

2. The “Missouri Qualified Biodiesel Producer

Incentive Fund” is hereby created and subject to appropriations shall be used to provide economic subsidies to Missouri qualified biodiesel producers pursuant to this section. The director of the department of agriculture shall administer the fund pursuant to this section.

3. A Missouri qualified biodiesel producer shall be eligible for a monthly grant from the fund provided that [fifty-one percent of the feedstock originates in the state of Missouri and that] one hundred percent of the feedstock originates in the United States. **However, the director may waive the feedstock requirements on a month-to-month basis if the facility provides verification that adequate feedstock is not available.** A Missouri qualified biodiesel producer shall only be eligible for the grant for a total of sixty months unless such producers during the sixty months fail, due to a lack of appropriations, to receive the full amount from the fund for which the producers were eligible, in which case such producers shall continue to be eligible for up to twenty-four additional months or until they have received the maximum amount of funding for which such producers were eligible during the original sixty-month time period. The amount of the grant is determined by calculating the estimated gallons of qualified biodiesel produced during the preceding month from Missouri agricultural products, as certified by the department of agriculture, and applying such figure to the per-gallon incentive credit established in this subsection. Each Missouri qualified biodiesel producer shall be eligible for a total grant in any fiscal year equal to thirty cents per gallon for the first fifteen million gallons of qualified biodiesel produced from Missouri agricultural products in the fiscal year plus ten cents per gallon for the next fifteen million gallons of qualified biodiesel produced from Missouri agricultural products in the fiscal year. All such qualified biodiesel produced by a Missouri qualified biodiesel producer in excess of thirty million gallons shall not be applied to the computation of a grant

pursuant to this subsection. The department of agriculture shall pay all grants for a particular month by the fifteenth day after receipt and approval of the application described in subsection 4 of this section.

4. In order for a Missouri qualified biodiesel producer to obtain a grant from the fund, an application for such funds shall be received no later than fifteen days following the last day of the month for which the grant is sought. The application shall include:

(1) The location of the Missouri qualified biodiesel producer;

(2) The average number of citizens of Missouri employed by the Missouri qualified biodiesel producer in the preceding month, if applicable;

(3) The number of bushel equivalents of Missouri agricultural commodities used by the Missouri qualified biodiesel producer in the production of biodiesel in the preceding month;

(4) The number of gallons of qualified biodiesel the producer manufactures during the month for which the grant is applied;

(5) A copy of the qualified biodiesel producer license required pursuant to subsection 5 of this section, name and address of surety company, and amount of bond to be posted pursuant to subsection 5 of this section; and

(6) Any other information deemed necessary by the department of agriculture to adequately ensure that such grants shall be made only to Missouri qualified biodiesel producers.

5. The director of the department of agriculture, in consultation with the department of revenue, shall promulgate rules and regulations necessary for the administration of the provisions of this section.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall

become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

7. The provisions of this section shall expire on December 31, 2009. However, Missouri qualified biodiesel producers receiving any grants awarded prior to the expiration date of this section shall continue to be eligible for the remainder of the original sixty-month time period under the same terms and conditions of this section unless such producer during those sixty months failed, due to a lack of appropriations, to receive the full amount from the fund for which he or she was eligible. In that case, such producers shall continue to be eligible for up to twenty-four additional months or until they have received the maximum amount of funding for which they were eligible during the original sixty-month time period.”; and

Further amend the title and enacting clause accordingly.

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

At the request of Senator Cauthorn, **HCS for HBs 1270 and 1027**, with **SCS**, as amended (pending), was placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

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

HCS for HB 1767—Aging, Families, Mental and Public Health.

HCS for HB 1677—Pensions, Veterans’

Affairs and General Laws.

HCS for HB 1534—Judiciary and Civil and Criminal Jurisprudence.

HB 1619—Ways and Means.

HB 1910—Small Business, Insurance and Industrial Relations.

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 1250**, 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 President Kinder.

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 Speaker has removed Representative Ed Robb from the Conference Committees on **SCS for HCS for HB 1002**, **SCS for HCS for HB 1003**, **SCS for HCS for HB 1004**, **SCS for HCS for HB 1005**, **SCS for HCS for HB 1006**, **SCS for HCS for HB 1007**, **SCS for HB 1008**, **SCS for HB 1009**, **SCS for HCS for HB 1010**, **SCS for HCS for HB 1011**, **SCS for HCS for HB 1012** and **SCS for HB 1013**. The Speaker has appointed Representative Steve Hobbs to the Conference Committees on **SCS for**

HCS for HB 1002, **SCS for HCS for HB 1003**, **SCS for HCS for HB 1004**, **SCS for HCS for HB 1005**, **SCS for HCS for HB 1006**, **SCS for HCS for HB 1007**, **SCS for HB 1008**, **SCS for HB 1009**, **SCS for HCS for HB 1010**, **SCS for HCS for HB 1011**, **SCS for HCS for HB 1012** and **SCS for HB 1013**.

Also,

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 1022**, entitled:

An Act to appropriate money for scholarships, planning, expenses, to transfer money among certain funds, and for capital improvements including, but not limited to, major additions and renovations, new structures, and land improvements or acquisitions for the fiscal period beginning July 1, 2006 and ending June 30, 2007.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON THIRD READING

Senator Cauthorn moved that **HCS for HBs 1270** and **1027**, with **SCS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for HCS for HBs 1270 and **1027**, as amended, was again taken up.

Senator Scott offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1270 and 1027, Page 1, Section A, Line 2, by inserting immediately after all of said line the following:

“142.028. 1. As used in this section, the following terms mean:

(1) “Fuel ethanol”, one hundred ninety-eight proof ethanol denatured in conformity with the United States Bureau of Alcohol, Tobacco and Firearms' regulations and fermented and distilled in a facility whose principal (over fifty percent) feed stock is cereal grain or cereal grain by-products;

(2) “Fuel ethanol blends”, a mixture of ninety percent gasoline and ten percent fuel ethanol in which the gasoline portion of the blend or the finished blend meets the American Society for Testing and Materials - specification number D-439;

(3) “Missouri qualified fuel ethanol producer”, any producer of fuel ethanol whose principal place of business and facility for the fermentation and distillation of fuel ethanol is located within the state of Missouri and is at least fifty-one percent owned by agricultural producers actively engaged in agricultural production for commercial purposes, **whose fuel ethanol is sold and consumed exclusively within the state**, and which has made formal application, posted a bond, and conformed to the requirements of this section.

2. The “Missouri Qualified Fuel Ethanol Producer Incentive Fund” is hereby created and subject to appropriations shall be used to provide economic subsidies to Missouri qualified fuel ethanol producers pursuant to this section. The director of the department of agriculture shall administer the fund pursuant to this section.

3. A Missouri qualified fuel ethanol producer shall be eligible for a monthly grant from the fund, except that a Missouri qualified fuel ethanol producer shall only be eligible for the grant for a total of sixty months unless such producer during those sixty months failed, due to a lack of appropriations, to receive the full amount from the fund for which they were eligible, in which case such producers shall continue to be eligible for up to twenty-four additional months or until they have received the maximum amount of funding for which they were eligible during the original

sixty-month time period. The amount of the grant is determined by calculating the estimated gallons of qualified fuel ethanol production to be produced from Missouri agricultural products for the succeeding calendar month, as certified by the department of agriculture, and applying such figure to the per-gallon incentive credit established in this subsection. Each Missouri qualified fuel ethanol producer shall be eligible for a total grant in any fiscal year equal to twenty cents per gallon for the first twelve and one-half million gallons of qualified fuel ethanol produced from Missouri agricultural products in the fiscal year plus five cents per gallon for the next twelve and one-half million gallons of qualified fuel ethanol produced from Missouri agricultural products in the fiscal year. All such qualified fuel ethanol produced by a Missouri qualified fuel ethanol producer in excess of twenty-five million gallons shall not be applied to the computation of a grant pursuant to this subsection. The department of agriculture shall pay all grants for a particular month by the fifteenth day after receipt and approval of the application described in subsection 4 of this section. If actual production of qualified fuel ethanol during a particular month either exceeds or is less than that estimated by a Missouri qualified fuel ethanol producer, the department of agriculture shall adjust the subsequent monthly grant by paying additional amount or subtracting the amount in deficiency by using the calculation described in this subsection.

4. In order for a Missouri qualified fuel ethanol producer to obtain a grant from the fund for a particular month, an application for such funds shall be received no later than fifteen days prior to the first day of the month for which the grant is sought. The application shall include:

(1) The location of the Missouri qualified fuel ethanol producer;

(2) The average number of citizens of Missouri employed by the Missouri qualified fuel ethanol producer in the preceding quarter, if

applicable;

(3) The number of bushels of Missouri agricultural commodities used by the Missouri qualified fuel ethanol producer in the production of fuel ethanol in the preceding quarter;

(4) The number of gallons of qualified fuel ethanol the producer expects to manufacture during the month for which the grant is applied;

(5) A copy of the qualified fuel ethanol producer license required pursuant to subsection 5 of this section, name and address of surety company, and amount of bond to be posted pursuant to subsection 5 of this section; and

(6) Any other information deemed necessary by the department of agriculture to adequately ensure that such grants shall be made only to Missouri qualified fuel ethanol producers.

5. The director of the department of agriculture, in consultation with the department of revenue, shall promulgate rules and regulations necessary for the administration of the provisions of this section. The director shall also establish procedures for bonding Missouri qualified fuel ethanol producers. Each Missouri qualified fuel ethanol producer who attempts to obtain moneys pursuant to this section shall be bonded in an amount not to exceed the estimated maximum monthly grant to be issued to such Missouri qualified fuel ethanol producer.

6. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after

August 28, 2002, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

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

Senator Goodman assumed the Chair.

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

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1270 and 1027, Page 4, Section 414.255, Line 106, by replacing the word “shall” with “may”.

Senator Graham moved that the above amendment be adopted.

Senator Griesheimer assumed the Chair.

Senator Callahan requested a roll call vote be taken on the adoption of **SA 4**. He was joined in his request by Senators Bartle, Graham, Green and Ridgeway.

SA 4 failed of adoption by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Coleman
Dougherty	Graham	Green	Kennedy
Purgason	Ridgeway	Wheeler	Wilson—12

NAYS—Senators

Alter	Barnitz	Cauthorn	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Klindt
Koster	Loudon	Mayer	Nodler
Scott	Shields	Stouffer	Vogel—20

Absent—Senator Days—1

Absent with leave—Senators—None

Vacancies—1

Senator Green offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1270 and 1027, Page 4, Section 414.255, Line 119, by inserting immediately after all of said line the following:

“Section 1. No Missouri qualified fuel ethanol producer, as defined in section 142.028, RSMo, eligible for a grant under section 142.208, RSMo, shall employ an undocumented worker, as defined by the federal Immigration Reform and Control Act of 1986. In the event that any such producer employs an undocumented worker, all grant monies received under section 142.028, RSMo, shall terminate and the producer in question shall not be eligible for future grants for a period of three years from the state under section 142.028, RSMo.”; and

Further amend the title and enacting clause accordingly.

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

Senator Green offered SA 6, which was read:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bills Nos. 1270 and 1027, Page 4, Section 414.255, Line 119, by inserting immediately after all of said line the following:

“Section 1. The provisions of chapter 290, RSMo, shall apply to any Missouri qualified fuel ethanol producer, as defined in section 142.028, RSMo, who receives a grant from the state under section 142.028, RSMo.”; and

Further amend the title and enacting clause accordingly.

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

Senator Cauthorn moved that SCS for HCS

for **HBs 1270 and 1027**, as amended, be adopted, which motion prevailed.

On motion of Senator Cauthorn, SCS for HCS for **HBs 1270 and 1027**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bray	Cauthorn
Champion	Clemens	Crowell	Days
Dougherty	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Kennedy	Klindt	Koster	Loudon
Mayer	Nodler	Scott	Shields
Stouffer	Vogel	Wilson—27	

NAYS—Senators

Bartle	Callahan	Coleman	Purgason
Ridgeway	Wheeler—6		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The President declared the bill passed.

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

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

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

REPORTS OF STANDING COMMITTEES

Senator Cauthorn, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **HCS for HB 1456**, with SCS and **HCS for HB 1742**, with SCS, begs leave to report that it has considered the same and recommends that the bills do pass.

HOUSE BILLS ON THIRD READING

At the request of Senator Ridgeway, **HCS** for **HB 1456**, with **SCS**, was placed on the Informal Calendar.

HB 1623 was placed on the Informal Calendar.

HCS for **HB 978**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 1306**, with **SCS**, entitled:

An Act to repeal sections 104.010, 104.335, 104.342, 104.344, 104.352, 104.354, 104.378, 104.380, 104.395, 104.410, 104.450, 104.490, 104.601, 104.620, 104.621, 104.1003, 104.1012, 104.1015, 104.1021, 104.1024, 104.1027, 104.1030, 104.1042, 104.1060, 104.1072, 104.1090, 104.1200, 104.1205, 104.1215, and 476.682, RSMo, and to enact in lieu thereof thirty-two new sections relating to state employee retirement, with penalty provisions.

Was taken up by Senator Crowell.

SCS for **HCS** for **HB 1306**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1306**

An Act to repeal sections 104.010, 104.335, 104.342, 104.344, 104.352, 104.354, 104.378, 104.380, 104.395, 104.410, 104.450, 104.490, 104.601, 104.620, 104.621, 104.805, 104.1003, 104.1012, 104.1015, 104.1021, 104.1024, 104.1027, 104.1030, 104.1042, 104.1060, 104.1072, 104.1090, 104.1200, 104.1205, 104.1215, and 476.682, RSMo, and to enact in lieu thereof thirty-three new sections relating to state employee retirement, with penalty provisions.

Was taken up.

Senator Crowell moved that **SCS** for **HCS** for **HB 1306** be adopted.

Senator Crowell offered **SS** for **SCS** for **HCS** for **HB 1306**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1306**

An Act to repeal sections 32.040, 32.051, 70.600, 70.615, 86.254, 86.330, 86.333, 86.337, 86.340, 86.590, 87.120, 87.325, 87.330, 87.335, 87.340, 87.345, 104.010, 104.040, 104.335, 104.340, 104.342, 104.344, 104.352, 104.354, 104.378, 104.380, 104.395, 104.410, 104.450, 104.490, 104.601, 104.620, 104.621, 104.805, 104.1003, 104.1012, 104.1015, 104.1021, 104.1024, 104.1027, 104.1030, 104.1042, 104.1060, 104.1072, 104.1090, 104.1200, 104.1205, 104.1215, 105.268, 105.660, 105.665, 105.935, 320.320, and 476.682, RSMo, and to enact in lieu thereof fifty-nine new sections relating to state employee benefits, with penalty provisions.

Was taken up.

Senator Crowell moved that **SS** for **SCS** for **HCS** for **HB 1306** be adopted.

Senator Ridgeway assumed the Chair.

At the request of Senator Crowell, **HCS** for **HB 1306**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has removed Representative Steve Hobbs from the Conference Committees on **SCS** for **HCS** for **HB 1002**, **SCS** for **HCS** for **HB 1003**, **SCS** for **HCS** for **HB 1004**, **SCS** for **HCS** for **HB 1005**, **SCS** for **HCS** for **HB 1006**, **SCS** for **HCS** for **HB 1007**, **SCS** for **HB 1008**, **SCS** for **HB 1009**, **SCS** for **HCS** for **HB 1010**, **SCS** for **HCS** for **HB 1011**, **SCS** for **HCS** for **HB 1012** and **SCS** for **HB 1013**. The Speaker has reappointed Representative Ed

Robb to the Conference Committees on **SCS** for **HCS** for **HB 1002**, **SCS** for **HCS** for **HB 1003**, **SCS** for **HCS** for **HB 1004**, **SCS** for **HCS** for **HB 1005**, **SCS** for **HCS** for **HB 1006**, **SCS** for **HCS** for **HB 1007**, **SCS** for **HB 1008**, **SCS** for **HB 1009**, **SCS** for **HCS** for **HB 1010**, **SCS** for **HCS** for **HB 1011**, **SCS** for **HCS** for **HB 1012** and **SCS** for **HB 1013**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **SCS** for **SBs 1001, 896** and **761**, entitled:

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.

With House Amendments 1, 2 and 3.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1001, 896 & 761, Page 12, Section 302.178, Line 101, by inserting after all of said line the following:

“302.720. 1. Except when operating under an instruction permit as described in this section, no person may drive a commercial motor vehicle unless the person has been issued a commercial driver's license with applicable endorsements valid for the type of vehicle being operated as specified in sections 302.700 to 302.780. A commercial driver's instruction permit shall allow the holder of a valid license to operate a commercial motor vehicle when accompanied by the holder of a commercial driver's license valid for the vehicle being operated and who occupies a seat beside the individual, or reasonably near the individual in the case of buses, for the purpose of giving instruction in driving the commercial motor vehicle. A commercial driver's instruction permit shall be valid for the vehicle being operated for a period of

not more than six months, and shall not be issued until the permit holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee for such permit or renewal shall be five dollars. In the alternative, a commercial driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements except the driving test. The permit may be renewed for one additional thirty-day period and the fee for the permit and for renewal shall be five dollars.

2. No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the Secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements imposed by state law. Applicants for a hazardous materials endorsement must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Nothing contained in this subsection shall be construed as prohibiting the director from establishing alternate testing formats for those who are functionally illiterate; provided, however, that any such alternate test must comply with the minimum requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) as established by the Secretary.

(1) The written and driving tests shall be held at such times and in such places as the superintendent may designate. A twenty-five dollar examination fee shall be paid by the applicant upon completion of any written or driving test. The director shall delegate the power to conduct the examinations required under sections 302.700 to

302.780 to any member of the highway patrol or any person employed by the highway patrol qualified to give driving examinations.

(2) The director shall adopt and promulgate rules and regulations governing the certification of third-party testers by the department of revenue. Such rules and regulations shall substantially comply with the requirements of 49 CFR Part 383, Section 383.75. A certification to conduct third-party testing shall be valid for one year, and the department shall charge a fee of one hundred dollars to issue or renew the certification of any third-party tester.

(3) Beginning August 28, 2006, the director shall only issue third-party tester certification to private companies who operate on the campus of a junior college or community college established under chapter 178, RSMo, or to private companies who own and maintain their own fleet and administer in-house testing to employees. Except as specified in this subsection, no third-party tester certification shall be issued to any private company predominately operated for commercial driver's license testing purposes and no third-party tester certification shall be renewed for such company. Any third-party tester who violates any of the rules and regulations adopted and promulgated pursuant to this section shall be subject to having his certification revoked by the department. The department shall provide written notice and an opportunity for the third-party tester to be heard in substantially the same manner as provided in chapter 536, RSMo. If any applicant submits evidence that he has successfully completed a test administered by a third-party tester, the actual driving test for a commercial driver's license may then be waived.

[(3)] **(4)** Every applicant for renewal of a commercial driver's license shall provide such certifications and information as required by the secretary and if such person transports a hazardous material must also meet the requirements of the

U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the secretary[.]. Such person shall be required to take the written test for such endorsement. A twenty-five dollar examination fee shall be paid upon completion of such tests.

3. A commercial driver's license may not be issued to a person while the person is disqualified from driving a commercial motor vehicle, when a disqualification is pending in any state or while the person's driver's license is suspended, revoked, or canceled in any state; nor may a commercial driver's license be issued unless the person first surrenders in a manner prescribed by the director any commercial driver's license issued by another state, which license shall be returned to the issuing state for cancellation.

4. Beginning July 1, 2005, the director shall not issue an instruction permit under this section unless the director verifies that the applicant is lawfully present in the United States before accepting the application. The director may, by rule or regulation, establish procedures to verify the lawful presence of the applicant under this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.”; and

Further amend said title, enacting clause and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1001, 896, and 761, Pages 4 through 5, Section 226.009.4(6), Lines 86 through 87, by removing the words “parties making or defending claims against such carriers.” and inserting in lieu thereof the words “**a person identified in this subsection; except that the commission may disclose to such attorneys only data relating to their client, their client’s employer or employee, or their client’s lessor or lessee with reference to a motor vehicle.**”

HOUSE AMENDMENT NO. 3

Amend House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 1001, 896 & 761, Pages 9 and 10, Section 302.171, Lines 80 to 85, by deleting all of said lines and inserting in lieu thereof the following:

“8. Notwithstanding any other provision of this chapter that requires an applicant to provide proof of lawful presence for renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, an applicant who has previously held for a period of fifteen years or more a noncommercial driver's license, noncommercial instruction permit, or nondriver's license is exempt from showing proof of lawful presence.”; and

Further amend said title, enacting clause and intersectional references accordingly.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

RESOLUTIONS

Senator Barnitz offered Senate Resolution No. 2890, regarding Joshua David Brickner, Laquey, which was adopted.

Senator Gibbons offered Senate Resolution No. 2891, regarding Katherine Leonard, Kirkwood, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Gibbons introduced to the Senate, Congressman John Anderson, Illinois; Congressman John Buchanan, Alabama; and Barry Fadem, California.

Senator Wheeler introduced to the Senate, the Physician of the Day, Dr. Fred G. DeFeo, M.D., and his wife, Carol Jean, Kansas City.

On behalf of Senator Nodler and himself, Senator Goodman introduced to the Senate, Laszlo Laky, Joplin.

Senator Koster introduced to the Senate, members of the Class 4A State Champion Belton High School Dance Team.

Senator Loudon introduced to the Senate, Dr. Jim Gibbons, M.D., his wife, Rita and thirty-five eighth grade students from St. Monica School, Creve Coeur; and Andrew Edwards, Kurt Piening, Emily Powers and Erin McHargue were made honorary pages.

Senator Gibbons introduced to the Senate, Jerry Bohannon and Amy Luechtefeld, St. Louis.

Senator Scott introduced to the Senate, Marsha Eaton, Lyn Everett, Kathy Anstaett, Jennifer Wolfe and Samantha Hager, Warsaw.

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

SENATE CALENDAR

SIXTY-FIRST DAY—WEDNESDAY, APRIL 26, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

HOUSE BILLS ON SECOND READING

HCS for HB 1022

THIRD READING OF SENATE BILLS

SCS for SB 1250-Alter

SENATE BILLS FOR PERFECTION

SB 1187-Gibbons, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 1742, with SCS (Shields)

HCS for HB 1532, with SCS

HCS for HB 1021 (Gross)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 566-Dougherty, et al, with
SCS & SS for SCS (pending)

SB 617-Koster, with SCS

SB 635-Cauthorn

SB 637-Cauthorn, et al, with
SCS & SA 3 (pending)

SB 642-Scott

SB 655-Nodler, with SCS

SBs 665 & 757-Engler, with
SCS & SA 1 (pending)

SB 687-Scott and Bartle, with SCS

SB 736-Crowell and Cauthorn, with SCS

SB 759-Engler

SB 816-Griesheimer and Coleman, with
SCS & SS#2 for SCS (pending)

SB 817-Scott, et al

SB 841-Ridgeway, et al, with SCS

SB 849-Mayer, et al, with SS, SA 6
& SA 1 to SA 6 (pending)

SB 862-Engler, with SCS

SB 998-Champion, with SCS

SB 1009-Klindt, with SS (pending)

SBs 1031 & 846-Klindt, with SCS

SB 1038-Mayer

SB 1049-Shields, with SCS

SB 1092-Klindt, with SCS

SB 1104-Cauthorn and Klindt, with SCS

SB 1114-Goodman & Loudon, with SCS

SB 1188-Gibbons

SB 1217-Goodman

SB 1251-Shields, with SCS

HOUSE BILLS ON THIRD READING

HCS for HB 978, with SCS (Goodman)
 HCS for HB 1306, with SCS & SS for
 SCS (pending) (Crowell)

HCS for HB 1339 (Goodman)
 HCS for HB 1456, with SCS (Ridgeway)
 HB 1623-St. Onge, et al (Stouffer)

CONSENT CALENDAR

Senate Bills

Reported 2/9

SB 760-Engler, with SCS

House Bills

Reported 4/3

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

Reported 4/12

HCS for HB 1559 (Callahan)
 HB 1858-Lipke (Goodman)
 HCS for HBs 1617 & 1374 (Stouffer)
 HCS for HB 1053 (Wheeler)
 HCS#2 for HB 1703 (Bartle)
 HB 1857-Lipke (Goodman)
 HCS for HB 1343 (Cauthorn)
 HB 1204-Roord, et al (Alter)
 HB 1427-Johnson (90), et al (Kennedy)
 HB 1169-Cooper (120) (Scott)
 HCS for HB 1759 (Clemens)
 HCS for HB 1739 (Bartle)
 HCS for HB 1244 (Engler)
 HCS for HB 1551 (Engler)
 HB 1601-Weter, et al, with SCS (Dougherty)
 HB 1687-Wright (137), et al, with SCA 1
 (Champion)
 HB 1222-Cooper (158) (Scott)
 HB 1491-Walton, et al (Days)

HB 1437-Threlkeld, with SCS (Bartle)
 HCS for HB 1515 (Koster)
 HCS for HB 1787, with SCS (Mayer)
 HCS for HB 1344 (Coleman)
 HCS for HB 1552 (Wilson)
 HCS for HB 1138 (Ridgeway)
 HCS for HB 1256 (Days)
 HCS for HB 1762, with SCS (Scott)
 HCS for HBs 1382 & 1158, with SCS
 (Ridgeway)
 HB 1488-Roord, et al (Kennedy)
 HCS for HB 1180 (Bray)
 HB 1234-Loehner, et al (Clemens)
 HB 1245-Sater, et al (Shields)
 HCS for HB 1449, with SCS (Mayer)
 HCS for HB 1511, with SCS (Shields)
 HB 1732-Fraser, et al (Days)
 HB 1494-Emery, et al (Scott)
 HB 1393-Behnen, et al (Goodman)

HB 983-Meadows, et al (Alter)
 HB 984-Meadows, et al (Alter)
 HB 1715-Pratt (Bartle)
 HB 998-Smith (118) (Scott)
 HCS for HB 1135 (Stouffer)
 HCS for HB 1710 (Gibbons)
 HCS for HB 1333 (Mayer)

HCS for HB 1366 (Engler)
 HB 1424-Franz (Purgason)
 HCS for HB 1711 (Gibbons)
 HB 1707-Dusenberg, et al, with SCS (Bartle)
 HB 1509-Bruns and Wildberger, with SCS
 (Vogel)
 HCS for HB 977, with SCS (Engler)

Reported 4/13

HB 1088-Schaaf, et al (Scott)
 HCS for HB 1037 (Klindt)
 HCS for HB 1440, with SCS (Ridgeway)
 HB 1144-May, et al (Clemens)
 HB 1577-Pollock, et al (Clemens)

HB 1722-Sutherland, et al (Mayer)
 HB 1833-Wood, et al (Goodman)
 HB 1988-Wagner, et al (Barnitz)
 HB 1466-Daus (Coleman)

SENATE BILLS WITH HOUSE AMENDMENTS

SCS for SBs 1001, 896 & 761-Griesheimer,
 with HCS, as amended

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

HB 1001-Icet, with SCS (Gross)
 HCS for HB 1002, with SCS (Gross)
 HCS for HB 1003, with SCS (Gross)
 HCS for HB 1004, with SCS (Gross)
 HCS for HB 1005, with SCS (Gross)
 HCS for HB 1006, with SCS (Gross)
 HCS for HB 1007, with SCS (Gross)

HB 1008-Icet, with SCS (Gross)
 HB 1009-Icet, with SCS (Gross)
 HCS for HB 1010, with SCS (Gross)
 HCS for HB 1011, with SCS (Gross)
 HCS for HB 1012, with SCS (Gross)
 HB 1013-Icet, with SCS (Gross)

RESOLUTIONS

Reported from Committee

SR 2363-Gross

MISCELLANEOUS

REMONSTRANCE 1-Gross