

Journal of the Senate

FIRST REGULAR SESSION

SEVENTH DAY—TUESDAY, JANUARY 16, 2007

The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“He has told you, O mortal, what is good; and what does the Lord require but to do justice, and to love kindness, and to walk humbly with your God?” (Micah 5:8)

Dear Lord, we come together remembering Dr. Martin Luther King, Jr. that yesterday wasn't just a day off but a time to remember the hopes and high goals he set for us individually and as a nation. He shows us what Micah had taught so many centuries ago that justice and kindness must prevail as we seek to follow Your way; help us to develop our laws to assist making equality a right not just a privilege for some. So allow us O Lord to keep step with his dream as we seek to walk humbly with You Our God. 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 11, 2007 was read and approved.

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

Present—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Coleman	Crowell	Days

Engler	Gibbons	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

Absent—Senators—None

Absent with leave—Senators

Clemens Goodman—2

Vacancies—None

RESOLUTIONS

Senator Wilson offered Senate Resolution No. 77, regarding J.S. Chick African Centered Elementary School, Kansas City, which was adopted.

Senator Wilson offered Senate Resolution No. 78, regarding Sanford B. Ladd Elementary School, Kansas City, which was adopted.

Senator Champion offered Senate Resolution No. 79, regarding the Springfield Branch of the National Association for the Advancement of Colored People, which was adopted.

Senator Kennedy offered Senate Resolution No. 80, regarding Kevin J. Coerver, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 81, regarding Kathryn J. “Kathy” Jadlot, Affton, which was adopted.

Senator Vogel offered Senate Resolution No. 82, regarding the Veterans of Foreign Wars Ladies Auxiliary #4345, California, which was adopted.

Senator Wilson offered Senate Resolution No. 83, regarding Miriam Pepper, which was adopted.

Senator Stouffer offered Senate Resolution No. 84, regarding Judy Fry, Kearney, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 85

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Jefferson City Downtown Rotary Club has sought to instill values of high integrity within our youth and to provide an opportunity for Missouri students to experience state government firsthand; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate and House Chambers for beneficial purposes; and

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fourth General Assembly hereby grant the Jefferson City Rotary Club permission to use the Senate Chamber for the purpose of conducting Student Government Day on the morning of Monday, March 19, 2007.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 85** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 85** was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 86

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic

process; and

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

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic process of government:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fourth General Assembly, that the Missouri Catholic Conference be hereby granted permission to use the Senate Chamber, the Senate Lounge and the Senate Hearing Rooms from 7:00 a.m. to 7:00 p.m. on September 29, 2007, for the purpose of a citizens assembly and workshops.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 86** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 86** was adopted.

Senator Gross assumed the Chair.

INTRODUCTION OF BILLS

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

SB 273—By Shields.

An Act to repeal section 105.711, RSMo, and to enact in lieu thereof one new section relating to the state legal expense fund.

SB 274—By Shields.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to healthcare technology fund, with an emergency clause.

SB 275—By Ridgeway.

An Act to repeal sections 186.005, 186.014, 186.016, 186.018, 186.109, and 301.3112, RSMo, and to enact in lieu thereof three new sections relating to the Missouri Women’s Council.

SB 276—By Koster.

An Act to repeal section 644.021, RSMo, and to enact in lieu thereof one new section relating to the clean water commission.

SB 277–By Koster.

An Act to repeal sections 287.020 and 287.200, RSMo, and to enact in lieu thereof two new sections relating to workers compensation payments to dependents, with an emergency clause.

SB 278–By Koster.

An Act to repeal section 558.019, RSMo, and to enact in lieu thereof one new section relating to the mandatory term of imprisonment for certain sex offenders, with penalty provisions.

SB 279–By Griesheimer.

An Act to repeal section 290.505, RSMo, and to enact in lieu thereof one new section relating to overtime for public employees, with an emergency clause.

SB 280–By Griesheimer.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the enforcement of violations detected by automated photo red light enforcement systems.

SB 281–By Griesheimer.

An Act to repeal section 327.621, RSMo, and to enact in lieu thereof two new sections relating to landscape architect licensing.

SB 282–By Griesheimer.

An Act to repeal sections 620.1878 and 620.1881, RSMo, and to enact in lieu thereof two new sections relating to the Missouri Quality Jobs Act.

SB 283–By Griesheimer.

An Act to repeal sections 135.950 and 135.967, RSMo, and to enact in lieu thereof two new sections relating to enhanced enterprise zones.

SB 284–By Griesheimer and Nodler.

An Act to repeal sections 144.010 and 144.020, RSMo, and to enact in lieu thereof twenty-three new sections relating to the provision

of video services, with an emergency clause.

SB 285–By Crowell.

An Act to amend chapter 338, RSMo, by adding thereto four new sections relating to protecting conscience rights of pharmaceutical professionals.

SB 286–By Crowell.

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof one new section relating to income tax exemptions for military pensions, with an effective date.

SB 287–By Crowell.

An Act to repeal section 313.835, RSMo, and to enact in lieu thereof one new section relating to grants for veterans' service officer programs.

SB 288–By Engler.

An Act to authorize the conveyance of certain state properties, with an emergency clause.

SB 289–By Engler.

An Act to repeal section 337.500, RSMo, and to enact in lieu thereof one new section relating to the licensing of professional counselors.

SB 290–By Engler.

An Act to amend chapter 217, RSMo, by adding thereto one new section relating to minimum pay for certain corrections employees, with an effective date.

SB 291–By Mayer.

An Act to repeal sections 338.330 and 338.370, RSMo, and to enact in lieu thereof seven new sections relating to wholesale distributors of prescription drugs, with penalty provisions.

SB 292–By Mayer.

An Act to repeal sections 210.570, 210.580, 210.595, 210.600, and 210.610, RSMo, and to enact in lieu thereof two new sections relating to the interstate compact for juveniles, with a contingent effective date.

SB 293—By Vogel.

An Act to repeal sections 105.910 and 105.915, RSMo, and to enact in lieu thereof two new sections relating to the administration of the Missouri state public employees deferred compensation fund.

SB 294—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 295—By Vogel.

An Act to repeal section 303.415, RSMo, and to enact in lieu thereof one new section relating to extending the sunset clause on the insurance database program, with an emergency clause.

SB 296—By Loudon.

An Act to repeal section 313.812, RSMo, and to enact in lieu thereof six new sections relating to a comprehensive legal and factual study of pathological or serious problem gambling and problem gambling in this state.

SB 297—By Loudon.

An Act to amend chapter 385, RSMo, by adding thereto thirteen new sections relating to the vehicle protection product act, with penalty provisions and an effective date for certain sections.

SJR 12—By Crowell.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 2 (a) of article IX of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the state board of education.

SJR 13—By Vogel.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing

section 6 of article X of the Constitution of Missouri, and adopting one new section in lieu thereof relating to a property tax exemption for personal property of active duty military personnel.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 11, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment, made by the Mental Health Commission and commissioned by me on December 21, 2006, while the Senate was not in session.

Charles Keith Schafer, 1912 Andrea Drive, Jefferson City, Cole County, Missouri 65101, as the Director of the Department of Mental Health, for a term ending at the pleasure of the Mental Health Commission or the Governor, and until his successor is duly appointed and qualified; vice, Ronnie Dittmore.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 12, 2007

TO THE SENATE OF THE 94TH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

The following addendum should be made to the appointment of Cara J. Stauffer, submitted on January 3, 2007. Line 4 should be amended as follows:

“and qualified; vice, RSMo. 262.820.”

Respectfully submitted,

MATT BLUNT

President Pro Tem Gibbons referred the above appointment and addendum to the Committee on Gubernatorial Appointments.

CONCURRENT RESOLUTIONS

Senator Shields offered the following

concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 5

WHEREAS, chronic obstructive pulmonary disease (COPD), also known as chronic bronchitis and emphysema, is the fourth leading cause of death in the United States and the only cause of death of the top five causes whose prevalence and death rate are rising; and

WHEREAS, COPD is a chronic progressive disease which impacts over 175,000 residents of Missouri and 24 million Americans; and

WHEREAS, the annual cost to the nation for COPD in 2004 was estimated to be approximately 37 billion dollars; and

WHEREAS, early diagnosis and management of COPD can effectively reduce the overall financial burden of the illness within public programs such as Medicaid; and

WHEREAS, proper management of COPD can lead to improved quality of life and self-sufficiency on the part of patients cared for within public programs:

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 encourage the Missouri Rx Plan Advisory Commission to consider disease management of chronic obstructive pulmonary disease in an effort to reduce the financial and clinical burden of COPD illness upon the Medicaid program and the citizens of Missouri; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Missouri Rx Plan Advisory Commission, the Director of the Department of Health and Senior Services, and the Director of the Department of Social Services.

**SECOND READING OF
CONCURRENT RESOLUTIONS**

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

SCR 4—Rules, Joint Rules, Resolutions and Ethics.

REFERRALS

President Pro Tem Gibbons referred **SR 70** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

Senator Koster assumed the Chair.

**SECOND READING OF
SENATE BILLS**

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

SB 1—Judiciary and Civil and Criminal Jurisprudence.

SB 2—Health and Mental Health.

SB 3—Health and Mental Health.

SB 4—Health and Mental Health.

SB 5—Judiciary and Civil and Criminal Jurisprudence.

SB 6—Education.

SB 7—Ways and Means.

SB 8—Ways and Means.

SB 9—Economic Development, Tourism and Local Government.

SB 10—Financial and Governmental Organizations and Elections.

SB 11—Commerce, Energy and the Environment.

SB 12—Pensions, Veterans' Affairs and General Laws.

SB 13—Commerce, Energy and the Environment.

SB 14—Seniors, Families and Public Health.

SB 15—Health and Mental Health.

SB 16—Seniors, Families and Public Health.

SB 17—Transportation.

SB 18—Economic Development, Tourism and Local Government.

SB 19—Transportation.

SB 20—Economic Development, Tourism and Local Government.

SB 21—Economic Development, Tourism and Local Government.

SB 22—Economic Development, Tourism and Local Government.

SB 23—Judiciary and Civil and Criminal Jurisprudence.

- SB 24**—Transportation.
- SB 25**—Seniors, Families and Public Health.
- SB 26**—Transportation.
- SB 27**—Judiciary and Civil and Criminal Jurisprudence.
- SB 28**—Judiciary and Civil and Criminal Jurisprudence.
- SB 29**—Education.
- SB 30**—Ways and Means.
- SB 31**—Financial and Governmental Organizations and Elections.
- SB 32**—Ways and Means.
- SB 33**—Health and Mental Health.
- SB 34**—Ways and Means.
- SB 35**—Judiciary and Civil and Criminal Jurisprudence.
- SB 36**—Governmental Accountability and Fiscal Oversight.
- SB 37**—Financial and Governmental Organizations and Elections.
- SB 38**—Judiciary and Civil and Criminal Jurisprudence.
- SB 39**—Transportation.
- SB 40**—Ways and Means.
- SB 41**—Judiciary and Civil and Criminal Jurisprudence.
- SB 42**—Ways and Means.
- SB 43**—Pensions, Veterans' Affairs and General Laws.
- SB 44**—Judiciary and Civil and Criminal Jurisprudence.
- SB 45**—Transportation.
- SB 46**—Seniors, Families and Public Health.
- SB 47**—Economic Development, Tourism and Local Government.
- SB 48**—Ways and Means.
- SB 49**—Commerce, Energy and the Environment.
- SB 50**—Transportation.
- SB 51**—Transportation.
- SB 52**—Transportation.
- SB 53**—Economic Development, Tourism and Local Government.
- SB 54**—Commerce, Energy and the Environment.
- SB 55**—Judiciary and Civil and Criminal Jurisprudence.
- SB 56**—Governmental Accountability and Fiscal Oversight.
- SB 57**—Seniors, Families and Public Health.
- SB 58**—Judiciary and Civil and Criminal Jurisprudence.
- SB 59**—Ways and Means.
- SB 60**—Judiciary and Civil and Criminal Jurisprudence.
- SB 61**—Judiciary and Civil and Criminal Jurisprudence.
- SB 62**—Judiciary and Civil and Criminal Jurisprudence.
- SB 63**—Health and Mental Health.
- SB 64**—Education.
- SB 65**—Commerce, Energy and the Environment.
- SB 66**—Small Business, Insurance and Industrial Relations.
- SB 67**—Judiciary and Civil and Criminal Jurisprudence.
- SB 68**—Agriculture, Conservation, Parks and Natural Resources.
- SB 69**—Agriculture, Conservation, Parks and Natural Resources.

SB 70—Small Business, Insurance and Industrial Relations.

SB 71—Seniors, Families and Public Health.

SB 72—Judiciary and Civil and Criminal Jurisprudence.

SB 73—Judiciary and Civil and Criminal Jurisprudence.

SB 74—Financial and Governmental Organizations and Elections.

SB 75—Pensions, Veterans’ Affairs and General Laws.

SB 76—Commerce, Energy and the Environment.

SB 77—Seniors, Families and Public Health.

SB 78—Judiciary and Civil and Criminal Jurisprudence.

SB 79—Agriculture, Conservation, Parks and Natural Resources.

SB 80—Seniors, Families and Public Health.

SB 81—Economic Development, Tourism and Local Government.

SB 82—Transportation.

SB 83—Education.

SB 84—Seniors, Families and Public Health.

SB 85—Seniors, Families and Public Health.

SB 86—Ways and Means.

SB 87—Small Business, Insurance and Industrial Relations.

SB 88—Financial and Governmental Organizations and Elections.

SB 89—Economic Development, Tourism and Local Government.

INTRODUCTIONS OF GUESTS

Senator Ridgeway introduced to the Senate, Abbi Howe, St. Louis County; and Martin Thompson, Smithville.

Senator Stouffer introduced to the Senate, John Roche and Peter Gaul, Australia.

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

SENATE CALENDAR

EIGHTH DAY--WEDNESDAY, JANUARY 17, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 90-Nodler
SB 91-Nodler
SB 92-Nodler
SB 93-Bray
SB 94-Bray
SB 95-Bray

SB 96-Days
SB 97-Days
SB 98-Days
SB 99-Mayer
SB 100-Mayer
SB 101-Mayer

SB 102-Stouffer	SB 144-Bray
SB 103-Stouffer	SB 145-Bray and Days
SB 104-Stouffer	SB 146-Bray
SB 105-Graham	SB 147-Nodler
SB 106-Graham	SB 148-Nodler
SB 107-Wilson	SB 149-Nodler
SB 108-Wilson	SB 150-Mayer
SB 109-Wilson	SB 151-Engler
SB 111-Rupp	SB 152-Engler
SB 112-Rupp	SB 153-Engler
SB 113-Shoemyer	SB 154-Graham
SB 114-Scott	SB 155-Engler
SB 115-Scott	SB 156-Engler
SB 116-Griesheimer	SB 157-Engler
SB 117-Griesheimer	SB 158-Engler
SB 118-Griesheimer	SB 159-Engler
SB 119-Nodler	SB 160-Rupp
SB 120-Nodler	SB 161-Shields
SB 121-Nodler	SB 162-Vogel
SB 122-Bray and Days	SB 163-Mayer
SB 123-Bray	SB 164-Scott
SB 124-Bray	SB 165-Scott
SB 125-Days	SB 166-Griesheimer
SB 126-Days	SB 167-Bartle
SB 127-Mayer	SB 168-Mayer and Crowell
SB 128-Stouffer	SB 169-Rupp
SB 129-Stouffer and Crowell	SB 170-Engler
SB 130-Stouffer	SB 171-Nodler
SB 131-Rupp	SB 172-Ridgeway
SB 132-Rupp	SB 173-Ridgeway
SB 133-Rupp	SB 174-Green
SB 135-Nodler	SB 175-Green
SB 136-Nodler	SB 176-Green
SB 137-Bray	SB 177-Green
SB 138-Bray	SB 178-Green
SB 139-Bray	SB 179-Green
SB 140-Rupp	SB 180-Green
SB 141-Nodler	SB 181-Green
SB 142-Nodler and Days	SB 182-Green
SB 143-Nodler	SB 183-Green

SB 184-Green	SB 226-Stouffer
SB 185-Green	SB 227-Graham
SB 186-Green	SB 228-Graham
SB 187-Green	SB 229-Coleman
SB 188-Green	SB 230-Crowell and Koster
SB 189-Green	SB 231-Crowell
SB 190-Green	SB 232-Crowell
SB 191-Days	SB 233-Crowell
SB 192-Crowell	SB 234-Crowell
SB 193-Griesheimer	SB 235-Shields, et al
SB 194-Crowell	SB 236-Shields
SB 195-Crowell	SB 237-Shields and Justus
SB 196-Gross	SB 238-Stouffer
SB 197-Loudon and Graham	SB 239-Stouffer
SB 198-Mayer	SB 240-Stouffer
SB 199-Stouffer	SB 241-Stouffer
SB 200-Stouffer	SB 242-Nodler
SB 202-Stouffer	SB 243-Mayer
SB 203-Lager	SB 244-Mayer
SB 204-Stouffer	SB 245-Goodman
SB 205-Stouffer and Gibbons	SB 246-Goodman
SB 206-Justus	SB 247-Bray
SB 207-Gross	SB 248-Days
SB 209-Griesheimer	SB 249-Gross
SB 210-Crowell	SB 250-Ridgeway and Vogel
SB 211-Goodman	SB 251-Ridgeway and Koster
SB 212-Goodman	SB 252-Ridgeway
SB 213-McKenna	SB 253-Ridgeway
SB 214-McKenna	SB 254-Nodler, et al
SB 215-Loudon	SB 255-Loudon
SB 216-Crowell	SB 256-Loudon
SB 217-Crowell	SB 257-Engler and Crowell
SB 218-Graham	SB 258-Engler
SB 219-Graham	SB 259-Engler
SB 220-McKenna	SB 260-Koster and Justus
SB 221-Callahan	SB 261-Koster
SB 222-Gross	SB 262-Green
SB 223-Rupp	SB 263-Green
SB 224-Rupp	SB 264-Green
SB 225-Stouffer	SB 265-Green

SB 266-Bray, et al	SB 289-Engler
SB 267-Bray, et al	SB 290-Engler
SB 268-Coleman	SB 291-Mayer
SB 269-Scott	SB 292-Mayer
SB 270-Scott	SB 293-Vogel
SB 271-Scott	SB 294-Vogel
SB 272-Scott	SB 295-Vogel
SB 273-Shields	SB 296-Loudon
SB 274-Shields	SB 297-Loudon
SB 275-Ridgeway	SJR 1-Bartle
SB 276-Koster	SJR 2-Bartle and Koster
SB 277-Koster	SJR 3-Bartle
SB 278-Koster	SJR 4-Nodler
SB 279-Griesheimer	SJR 5-Graham
SB 280-Griesheimer	SJR 6-Graham
SB 281-Griesheimer	SJR 7-Graham
SB 282-Griesheimer	SJR 8-Ridgeway
SB 283-Griesheimer	SJR 9-Crowell and Bartle
SB 284-Griesheimer and Nodler	SJR 10-Bartle and Engler
SB 285-Crowell	SJR 11-Gross
SB 286-Crowell	SJR 12-Crowell
SB 287-Crowell	SJR 13-Vogel
SB 288-Engler	

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 5-Shields

T