

Journal of the Senate

FIRST REGULAR SESSION

NINTH DAY—THURSDAY, JANUARY 18, 2007

The Senate met pursuant to adjournment.

Senator Koster in the Chair.

Reverend Carl Gauck offered the following prayer:

“...teach and admonish one another in all wisdom; and with gratitude in your hearts sing psalms, hymns, and spiritual songs to God.” (Colossians 3:16b)

Emanuel, God with us, we rejoice in the opportunity to grow as servants and to be closer to one another and to You. Dwell with us as we meet today and watch over us as we return home to loved ones. And may You find us in Your house of prayer this weekend. 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

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.

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

President Kinder assumed the Chair.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 132, regarding Phyllis Fencl, Fredericktown, which was adopted.

Senator Lager offered Senate Resolution No. 133, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Jim Schimming, Maryville, which was adopted.

Senator Crowell offered Senate Resolution No. 134, regarding John and Missy Clark, which was adopted.

Senator Lager offered Senate Resolution

No. 135, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Lee Hansen, Fairfax, which was adopted.

Senator Lager offered Senate Resolution No. 136, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Eugene Hedrick, Brookfield, which was adopted.

Senator Bray offered Senate Resolution No. 137, regarding the Ninetieth Birthday of Leo Drey, University City, which was adopted.

Senator Kennedy offered Senate Resolution No. 138, regarding Ronald A. Leggett, Saint Louis, which was adopted.

Senator Crowell offered Senate Resolution No. 139, regarding Jason Brewington, Fredericktown, which was adopted.

Senator Gibbons offered Senate Resolution No. 140, regarding Our Lady's Inn of St. Louis and St. Charles, which was adopted.

Senator Grieshiemer offered Senate Resolution No. 141, regarding Rodney Stoyer, Washington, which was adopted.

Senator McKenna offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 142

WHEREAS, the members of the Missouri Senate pause from time to time to recognize residents who have admirably distinguished themselves in their profession, as leaders of their communities, and by contributing an exceptional amount of time and energy to the general well-being of their state and its residents; and

WHEREAS, Harry L.C. Weier, longtime Jefferson County resident, appellate judge, attorney, and civic leader, passed into the next world on September 5, 2006, aged 94 years; and

WHEREAS, Harry L.C. Weier was respected and admired by his family, his friends, his colleagues, and the citizens of Jefferson County and beyond, all of whom will miss his example, skill, support, and friendship; and

WHEREAS, Harry L.C. Weier lived and practiced law in Jefferson County for 34 years; was a Jefferson County Prosecuting Attorney in 1947 and 1948; was a commissioner; and between 1972 and 1982, was a judge on the St. Louis Court of Appeals (now known as the Missouri Court of Appeals, Eastern District); and

WHEREAS, Harry L.C. Weier nobly served his country during the Second World War, in the U.S. Navy, as a gunnery officer; was one of the founders of Jefferson College in Hillsboro, Missouri; and was a member of the Festus Board of Education; and

WHEREAS, Harry L.C. Weier was born in Poplar Bluff, Missouri and earned his bachelor and law degrees from Washington University; and

WHEREAS, Harry L.C. Weier received a Distinguished Alumni Award from the Washington University School of Law; and

WHEREAS, Harry L.C. Weier will be sorely missed by his wife, Frances; by his son, G. William Weier, of Bainbridge Island, Washington; by his daughter, Mary Susan Duncan of Yucca Valley, California; and by his three grandsons and three great-grandchildren:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fourth General Assembly, join to extend our deepest and sincerest condolences to the family, friends, and colleagues of Harry L.C. Weier; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation to the family of Harry L.C. Weier.

Senator Graham offered Senate Resolution No. 143, regarding Jason G. Buckman, Centralia, which was adopted.

Senator Crowell offered Senate Resolution No. 144, regarding Lloyd F. Stoner, II, Sikeston, which was adopted.

Senator Crowell offered Senate Resolution No. 145, regarding Dave Ward, Fredericktown, which was adopted.

INTRODUCTION OF BILLS

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

SB 305—By Kennedy.

An Act to amend chapter 334, RSMo, by adding thereto nine new sections relating to the medical imaging and radiation therapy quality assurance act, with penalty provisions.

SB 306—By Crowell.

An Act to amend chapter 8, RSMo, by adding thereto one new section relating to access to the dome of the state capitol.

SB 307–By Crowell.

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to the disclosure of news sources and information.

SB 308–By Crowell, Clemens, Shoemyer, Callahan and Loudon.

An Act to repeal sections 345.015, 345.030, 345.045, 345.055, 346.030, 346.035, and 346.055, RSMo, and to enact in lieu thereof eight new sections relating to hearing instrument dispensing.

SB 309–By Stouffer.

An Act to repeal sections 384.051 and 384.062, RSMo, and to enact in lieu thereof two new sections relating to the collection of surplus lines tax.

SB 310–By Stouffer.

An Act to repeal section 30.605, RSMo, and to enact in lieu thereof three new sections relating to the imposition of a one-cent sales and use tax to convert Interstate 44 and Interstate 70 into an eight-lane interstate system, with a referendum clause and an expiration date for a certain section.

SB 311–By Scott.

An Act to repeal sections 238.202, 238.207, 238.208, 238.225, and 238.275, RSMo, and to enact in lieu thereof five new sections relating to transportation development districts.

SB 312–By Scott.

An Act to repeal sections 8.294, 37.005, and 37.452, RSMo, and to enact in lieu thereof four new sections relating to the office of administration, with an emergency clause.

SB 313–By Scott.

An Act to repeal sections 700.010, 700.040, 700.045, 700.056, 700.065, 700.070, 700.090, 700.100, 700.115, 700.450, 700.455, 700.460, 700.465, 700.470, and 700.650, RSMo, and to enact in lieu thereof thirteen new sections relating to manufactured homes, with penalty provisions.

SB 314–By Clemens.

An Act to amend chapter 324, RSMo, by adding thereto twelve new sections relating to licensure of clinical laboratory science personnel, with penalty provisions.

SB 315–By Clemens.

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

SB 316–By Clemens.

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

SB 317–By Clemens.

An Act to amend chapter 252, RSMo, by adding thereto one new section relating to poaching, with penalty provisions.

SB 318–By Clemens.

An Act to repeal sections 620.1878 and 620.1881, RSMo, and to enact in lieu thereof two new sections relating to an income tax credit for employer provided tuition reimbursement programs.

SB 319–By Clemens.

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof one new section relating to income taxation.

SB 320–By Clemens.

An Act to repeal sections 340.335, 340.337, 340.339, 340.341, 340.343, 340.345, and 340.347, RSMo, and to enact in lieu thereof seventeen new sections relating to large animal veterinary student loan assistance.

SB 321–By Engler.

An Act to repeal section 494.430, RSMo, and to enact in lieu thereof one new section relating to

persons entitled to be excused from jury service.

SB 322—By Engler.

An Act to repeal section 304.190, RSMo, and to enact in lieu thereof one new section relating to commercial zones.

SB 323—By Graham.

An Act to repeal section 210.861, RSMo, and to enact in lieu thereof one new section relating to the community children's services fund.

SB 324—By Loudon.

An Act to repeal section 135.327, RSMo, and to enact in lieu thereof one new sections relating to the special needs adoption tax credit program.

SB 325—By Loudon.

An Act to repeal section 376.620, RSMo, and to enact in lieu thereof one new section relating to suicide provisions in certain life insurance contracts.

SB 326—By Loudon.

An Act to amend chapter 303, RSMo, by adding thereto one new section relating to the uninsured motorist stipulation of benefits act of 2007.

SB 327—By Loudon.

An Act to amend chapter 507, RSMo, by adding thereto one new section relating to an insurance company's right to intervene in civil actions to determine coverage obligations.

SJR 14—By Clemens.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 20 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the legislative sessions of the general assembly.

SECOND READING OF SENATE BILLS

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

SB 222—Ways and Means.

SB 223—Commerce, Energy and the Environment.

SB 224—Ways and Means.

SB 225—Economic Development, Tourism and Local Government.

SB 226—Transportation.

SB 227—Education.

SB 228—Education.

SB 229—Financial and Governmental Organizations and Elections.

SB 230—Ways and Means.

SB 231—Transportation.

SB 232—Transportation.

SB 233—Economic Development, Tourism and Local Government.

SB 234—Judiciary and Civil and Criminal Jurisprudence.

SB 235—Financial and Governmental Organizations and Elections.

SB 236—Education.

SB 237—Economic Development, Tourism and Local Government.

SB 238—Transportation.

SB 239—Transportation.

SB 240—Transportation.

SB 241—Transportation.

SB 242—Judiciary and Civil and Criminal Jurisprudence.

SB 243—Education.

SB 244—Pensions, Veterans' Affairs and General Laws.

SB 245—Commerce, Energy and the Environment.

SB 246—Judiciary and Civil and Criminal

Jurisprudence.

SB 247—Economic Development, Tourism and Local Government.

SB 248—Health and Mental Health.

SB 249—Small Business, Insurance and Industrial Relations.

SB 250—Financial and Governmental Organizations and Elections.

SB 251—Commerce, Energy and the Environment.

SB 252—Transportation.

SB 253—Ways and Means.

SB 254—Education.

SB 255—Small Business, Insurance and Industrial Relations.

SB 256—Judiciary and Civil and Criminal Jurisprudence.

SB 257—Judiciary and Civil and Criminal Jurisprudence.

SB 258—Judiciary and Civil and Criminal Jurisprudence.

SB 259—Financial and Governmental Organizations and Elections.

SB 260—Seniors, Families and Public Health.

SB 261—Judiciary and Civil and Criminal Jurisprudence.

SB 263—Financial and Governmental Organizations and Elections.

SB 264—Economic Development, Tourism and Local Government.

SB 265—Ways and Means.

SB 266—Judiciary and Civil and Criminal Jurisprudence.

SB 267—Health and Mental Health.

SB 268—Pensions, Veterans' Affairs and General Laws.

SB 269—Financial and Governmental Organizations and Elections.

SB 270—Financial and Governmental Organizations and Elections.

SB 271—Financial and Governmental Organizations and Elections.

SB 272—Financial and Governmental Organizations and Elections.

SB 273—Judiciary and Civil and Criminal Jurisprudence.

SB 274—Health and Mental Health.

SB 275—Financial and Governmental Organizations and Elections.

SB 276—Financial and Governmental Organizations and Elections.

SB 277—Judiciary and Civil and Criminal Jurisprudence.

SB 278—Judiciary and Civil and Criminal Jurisprudence.

SB 279—Small Business, Insurance and Industrial Relations.

SB 280—Judiciary and Civil and Criminal Jurisprudence.

SB 281—Financial and Governmental Organizations and Elections.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Patrick E. Barr, Republican, David R. Henke, Sr., Republican, Herbert S. Dill, Democrat, Wayne A. Foster, Democrat, and John A. Czuba,

Republican, as members of the Missouri Citizens' Commission on Compensation for Elected Officials;

Also,

Lloyalea W. Boettcher and Guenter Goldsmith, as members of the Holocaust Education and Awareness Commission;

Also,

Peter J. Nicastro and Virginia A. Beatty, as members of the Organ Donation Advisory Committee;

Also,

Nuzhat Nisar, M.D., as a member of the Children's Trust Fund Board;

Also,

William T. Reeves and Randy L. Etter, as members of the Missouri Higher Education Loan Authority;

Also,

Deron L. Cherry, Republican, as a member of the Jackson County Sports Complex Authority;

Also,

David A. Cole, Republican, as a member of the Coordinating Board for Higher Education;

Also,

Lorene J. James, Republican, as a member of the Missouri Women's Council;

Also,

Frederick T. Dyer, Republican, as a member of the Saint Charles County Convention and Sports Facilities Authority;

Also,

Kit O. Stahlberg, as a member of the Missouri Planning Council on Developmental Disabilities;

Also,

Janis A. Deimeke, as a member of the

Citizens' Advisory Commission for Marketing Missouri Agricultural Products;

Also,

Cara J. Stauffer, as a member of the Missouri Wine and Grape Board;

Also,

Randy L. Cole, as a member of the Missouri Fire Education Trust Fund Board of Trustees;

Also,

Richard H. Rocha, Republican, as a member of the Air Conservation Commission;

Also,

Claudia Onate Greim, Democrat, as a member of the Missouri Housing Development Commission;

Also,

Warren K. Erdman, Republican, as a member of the University of Missouri Board of Curators.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion, which request was denied.

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Patrick E. Barr, Republican, as a member of the Missouri Citizens' Commission on Compensation for Elected Officials, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Scott moved that the Committee Report be adopted and the Senate do give its advice and consent to said appointment.

Senator Nodler assumed the Chair.

Senator Ridgeway assumed the Chair.

President Kinder assumed the Chair.

Senator Shields assumed the Chair.

Senator Koster assumed the Chair.

Senator Crowell assumed the Chair.

At the request of Senator Scott, the motion to adopt the Committee Report on Patrick E. Barr was withdrawn.

Senator Gibbons moved that the Committee Reports, as submitted, be approved and the Senate do give its advice and consent in one motion.

Senator Scott offered a substitute motion that the Committee Report on the appointment of Warren K. Erdman be considered first and all other Committee Reports be approved and the Senate give its advice and consent in one motion to said appointments.

Senator Bartle requested a roll call vote be taken on the adoption of the substitute motion and was joined in his request by Senators Barnitz, Callahan, McKenna and Smith.

Senator Koster assumed the Chair.

Senator Crowell assumed the Chair.

A quorum was established by the following vote:

Present—Senators

Barnitz	Bartle	Callahan	Champion
Crowell	Engler	Gibbons	Goodman
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Ridgeway	Rupp
Scott	Shields	Smith	Stouffer
Vogel	Wilson—26		

Absent—Senators

Clemens	Coleman	Days	Graham
Green	Purgason	Shoemyer—7	

Absent with leave—Senator Bray—1

Vacancies—None

A quorum was established by the following vote:

Present—Senators

Barnitz	Bartle	Callahan	Champion
Coleman	Crowell	Engler	Gibbons

Goodman	Griesheimer	Gross	Justus
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—28

Absent—Senators

Clemens	Days	Graham	Green
Purgason—5			

Absent with leave—Senator Bray—1

Vacancies—None

Senator Nodler assumed the Chair.

Senator Koster assumed the Chair.

Senator Crowell assumed the Chair.

The substitute motion made by Senator Scott was adopted by the following vote:

YEAS—Senators

Barnitz	Callahan	Champion	Clemens
Coleman	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Justus
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—27	

NAYS—Senators

Bartle	Kennedy—2
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Absent—Senators

Days	Graham	Green	Purgason—4
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Absent with leave—Senator Bray—1

Vacancies—None

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Warren K. Erdman, Republican, as a member of the University of Missouri Board of Curators, begs leave to report that it has considered the same and recommends that the Senate do give

its advice and consent to said appointment.

Senator Justus moved that the above Committee Report be adopted and the Senate do give its advice and consent to said appointment, which motion prevailed.

Senator Gibbons moved that the remaining Committee Reports, as previously distributed, be adopted and the Senate do give its advice and consent to said appointments, which motion prevailed.

SECOND READING OF SENATE BILLS

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

SB 262—Commerce, Energy and the Environment.

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 146, regarding Dave Hilgendorf, which was adopted.

Senator Stouffer offered Senate Resolution No. 147, regarding William D. “Bill” Noyes, Macon, which was adopted.

Senator Lager offered Senate Resolution No. 148, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Frank Lupfer, Albany, which was adopted.

Senator Lager offered Senate Resolution No. 149, regarding Patrick O’Riley, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 150, regarding the Honorable Roger Combs, King City, which was adopted.

Senator Lager offered Senate Resolution No. 151, regarding Janice Radley, Oregon, which was adopted.

Senator Champion offered Senate Resolution No. 152, regarding Ralph Slavens, Springfield, which was adopted.

Senator Scott offered Senate Resolution No. 153, regarding Douglass Freed, Sedalia, which was adopted.

Senator Vogel offered Senate Resolution No. 154, regarding Brian Stanton, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 155, regarding Dr. Mabel C. “Bebe” Kennedy, Saint Louis, which was adopted.

Senator Crowell offered Senate Resolution No. 156, regarding Mike Keefe, which was adopted.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, January 22, 2007.

SENATE CALENDAR

TENTH DAY—MONDAY, JANUARY 22, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 284-Griesheimer and Nodler	SB 313-Scott
SB 285-Crowell	SB 314-Clemens
SB 286-Crowell	SB 315-Clemens
SB 287-Crowell	SB 316-Clemens
SB 288-Engler	SB 317-Clemens
SB 289-Engler	SB 318-Clemens
SB 290-Engler	SB 319-Clemens
SB 291-Mayer	SB 320-Clemens
SB 292-Mayer	SB 321-Engler
SB 293-Vogel	SB 322-Engler
SB 294-Vogel	SB 323-Graham
SB 295-Vogel	SB 324-Loudon
SB 296-Loudon	SB 325-Loudon
SB 297-Loudon	SB 326-Loudon
SB 298-Engler	SB 327-Loudon
SB 299-Purgason	SJR 1-Bartle
SB 300-Bartle	SJR 2-Bartle and Koster
SB 301-Bartle	SJR 3-Bartle
SB 302-Loudon	SJR 4-Nodler
SB 303-Loudon, et al	SJR 5-Graham
SB 304-Loudon	SJR 6-Graham
SB 305-Kennedy	SJR 7-Graham
SB 306-Crowell	SJR 8-Ridgeway
SB 307-Crowell	SJR 9-Crowell and Bartle
SB 308-Crowell, et al	SJR 10-Bartle and Engler
SB 309-Stouffer	SJR 11-Gross
SB 310-Stouffer	SJR 12-Crowell
SB 311-Scott	SJR 13-Vogel
SB 312-Scott	SJR 14-Clemens

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