

Journal of the Senate

FIRST REGULAR SESSION

THIRTEENTH DAY—THURSDAY, JANUARY 25, 2007

The Senate met pursuant to adjournment.

Senator Crowell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Those of steadfast mind you keep in peace—in peace because they trust in you.” (Isaiah 26:3)

Heavenly Father, we know that You have taught us that those who love You commit themselves to You and trust You completely. We know that You grant them peace and fill them with Your grace. And we do so that we might confidently share ourselves with those You have placed in our lives and love more completely with our hearts, minds and souls. 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.

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

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.

President Kinder assumed the Chair.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 221, regarding the One Hundred Fiftieth Anniversary of the City of Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 222, regarding Ron Mercer, Stanberry, which was adopted.

Senator Lager offered Senate Resolution No. 223, regarding Ike Morehead, Milan, which was adopted.

Senator Lager offered Senate Resolution No. 224, regarding Mitch Elliott, Gower, which

was adopted.

Senator Lager offered Senate Resolution No. 225, regarding Charlene Ward, Braymer, which was adopted.

Senator Lager offered Senate Resolution No. 226, regarding Douglas Roberts, Chillicothe, which was adopted.

Senator Lager offered Senate Resolution No. 227, regarding Beatrice Shaw, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 228, regarding the Honorable Barbara Gale Lame, Chillicothe, which was adopted.

Senator Bray offered Senate Resolution No. 229, regarding Matt Bettonville, St. Louis, which was adopted.

Senator Barnitz offered Senate Resolution No. 230, regarding Jean Finn, Rolla, which was adopted.

INTRODUCTION OF BILLS

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

SB 376—By Griesheimer.

An Act to repeal section 620.467, RSMo, and to enact in lieu thereof one new section relating to the tourism supplemental revenue fund, with an expiration date.

SB 377—By McKenna.

An Act to repeal section 304.070, RSMo, and to enact in lieu thereof one new section relating to failure to stop for a school bus, with penalty provisions.

SB 378—By Goodman.

An Act to repeal sections 571.010 and 571.070, RSMo, and to enact in lieu thereof two new sections relating to explosive weapons, with penalty provisions.

SB 379—By Loudon.

An Act to amend chapter 103, RSMo, by adding thereto one new section relating to the offering of high deductible plans through the Missouri consolidated health care plan.

SB 380—By Koster.

An Act to repeal section 44.045 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58, ninety-third general assembly, first regular session and section 44.045 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 420 & 344, ninety-third general assembly, first regular session, and to enact in lieu thereof one new section relating to civil defense.

SB 381—By Koster.

An Act to amend chapter 376, RSMo, by adding thereto seventeen new sections relating to the regulation of health discount plans, with penalty provisions.

SB 382—By Koster.

An Act to repeal sections 33.700 and 33.710, RSMo, and to enact in lieu thereof two new sections relating to the governmental emergency fund.

SB 383—By Koster.

An Act to repeal section 56.823, RSMo, and to enact in lieu thereof one new section relating to creditable service within the prosecuting attorneys and circuit attorneys' retirement system.

SB 384—By Coleman and Gibbons.

An Act to repeal section 301.301, RSMo, and to enact in lieu thereof one new section relating to stolen license plate tabs.

SB 385—By Gibbons.

An Act to repeal sections 8.900, 21.475, 21.780, 32.250, 32.260, 44.227, 162.1060, 166.203, 170.250, 192.375, 192.745, 208.275,

208.530, 208.533, 208.535, 208.792, 253.375, 260.370, 260.725, 320.094, 622.055, and 622.057, RSMo, and to enact in lieu thereof twelve new sections relating to the repeal and reduction of certain committees and commissions, with an expiration date for certain sections.

SB 386—By Mayer.

An Act to amend chapter 319, RSMo, by adding thereto sixteen new sections relating to blasting and excavation, with penalty provisions.

SB 387—By Mayer.

An Act to amend chapter 265, RSMo, by adding thereto one new section relating to rice seed, with penalty provisions.

SB 388—By Mayer.

An Act to repeal section 260.470, RSMo, and to enact in lieu thereof fifteen new sections relating to environmental covenants.

**SECOND READING OF
CONCURRENT RESOLUTIONS**

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

HCR 13—Rules, Joint Rules, Resolutions and Ethics.

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 22, 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:

Roslyn M. Morgan, 358 Coachway Lane, Apartment D, Hazelwood, Saint Louis County, Missouri 63042, as a member of the Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2009, and until her successor is duly

appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 23, 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:

Garry E. Taylor, 979 Diamond Ridge, Jefferson City, Cole County, Missouri 65109, as a member of the Consolidated Health Care Plan Board of Trustees, for a term ending December 31, 2007, and until his successor is duly appointed and qualified; vice, George Whitehead, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 23, 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:

Schuyler J. Mariea, 1826 Chelle Court, Jefferson City, Cole County, Missouri 65101, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees, for a term ending February 6, 2010, and until his successor is duly appointed and qualified; vice, Gary O'Neal, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 23, 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:

William "Larry" Cloud, 32643 Highway E, Green Ridge, Pettis County, Missouri 65332, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products, for a term ending April 10, 2010, and until his successor is duly appointed and qualified; vice, Stephen McKaskle, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 23, 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:

Judith W. Scott, Republican, 1280 Barron Road, Poplar Bluff, Butler County, Missouri 63901, as a member of the Health and Educational Facilities Authority of the State of Missouri, for a term ending July 30, 2011, and until her successor is duly appointed and qualified; vice, John Siscel, term expired.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

COMMUNICATIONS

Senator Shields submitted the following:

January 24, 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 Senate Minority Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

Senate Minority Caucus:

Senator Maida J. Coleman

Senator Joan Bray

Senator Harry Kennedy

Senator Rita Heard Days

Senator Victor E. Callahan
Senator Chuck Graham
Senator Frank A. Barnitz
Senator Ryan McKenna
Senator Jeff Smith

Senator Timothy P. Green
Senator Yvonne S. Wilson
Senator Wes Shoemyer
Senator Jolie Justus

Also,

January 24, 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 Bootheel Caucus.

A list of the members is attached.

Sincerely,

/s/ Charlie

Charlie Shields

Bootheel Caucus:

Senator Robert Mayer

Representative Gayle Kingery

Representative Billy Pat Wright

Representative Steve Hodges

Representative Tom Todd

Representative Mike Dethrow

Representative Rod Jetton

Representative Ellen Brandom

Representative Terry Swinger

Senator Jason Crowell

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 was referred the appointment of Judith G. Haggard, Democrat, 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 Mayer moved that the Committee Report be adopted and the Senate do give its

advice and consent to said appointment, which motion prevailed.

Senator Gibbons requested unanimous consent of the Senate to waive the reading of the following reports:

Buford M. Fraser, Republican, as a member of the University of Missouri Board of Curators;

Also,

John P. Tvrdik, as member of the Missouri State Board of Accountancy;

Also,

Rita K. Duncan, Republican, as a member of State Committee of Dietitians;

Also,

Dana K. Humphrey, Jean M. Cavender and Richard M. Kalfus, as members of the Holocaust Education and Awareness Commission;

Also,

Gary J. Pendergrass and Kevin L. Rosenbohm, Republicans, as members of the Air Conservation Commission;

Also,

Sherrill L. McCormack, as a member of the Citizens' Advisory Commission for Marketing Missouri Agricultural Products;

Also,

Andrew J. Nimmo, as a member of the Missouri Fire Safety Advisory Board;

Also,

Rosanne M. Hays, Democrat and Sherry S. Jones, Republican, as members of the Missouri Agricultural and Small Business Development Authority;

Also,

James P. Limbaugh, Republican, as a member of the Southeast Missouri State University Board of Regents;

Also,

Jack E. Pohrer and Michael D. King, Republicans; and Rita C. Flake and Robert J. Barrientos, Democrats, as members of the Missouri Citizens' Commission on Compensation for Elected Officials;

Also,

Thomas J. Frawley and Stacy D. Owsley, as members of the Coordinating Board for Early Childhood;

Also,

Laura M. Neal, as a member of the State Committee for Social Workers;

Also,

Andrea Segura, as a member of the Missouri State Committee of Interpreters;

Also,

Charles H. Hoessle, Republican, as a member of the Harris-Stowe State University Board of Regents;

Also,

Steven P. Gietschier, as a member of the State Historical Records Advisory Board;

Also,

Shelly R. Shetley, as a member of the Missouri Planning Council on Developmental Disabilities;

Also,

William T. Reeves, as a member of the Missouri Higher Education Loan Authority;

Also,

Larry D. Neff, Democrat, as a member of the Missouri Development Finance Board;

Also,

Daniel J. Abbott and Donald D. Landon, as members of the Seismic Safety Commission;

Also,

Gerald T. Brouder, as a member of the Midwestern Higher Education Commission;

Also,

Ronald J. Walkenbach, Ph.D, as a member of the Organ Donation Advisory Committee, which request was granted.

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

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Goodman assumed the Chair.

SECOND READING OF SENATE BILLS

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

SB 328—Commerce, Energy and the Environment.

SB 329—Commerce, Energy and the Environment.

SB 330—Economic Development, Tourism and Local Government.

SB 331—Transportation.

SB 332—Financial and Governmental Organizations and Elections.

SB 333—Seniors, Families and Public Health.

SB 334—Economic Development, Tourism and Local Government.

SB 335—Transportation.

SB 336—Small Business, Insurance and Industrial Relations.

SB 337—Judiciary and Civil and Criminal Jurisprudence.

SB 338—Judiciary and Civil and Criminal Jurisprudence.

SB 339—Small Business, Insurance and Industrial Relations.

SB 340—Small Business, Insurance and Industrial Relations.

SB 341—Transportation.

SB 342—Economic Development, Tourism and Local Government.

SB 343—Judiciary and Civil and Criminal Jurisprudence.

SB 344—Ways and Means.

SB 345—Economic Development, Tourism and Local Government.

SB 346—Financial and Governmental Organizations and Elections.

SB 347—Transportation.

SB 348—Pensions, Veterans' Affairs and General Laws.

SB 349—Transportation.

SB 350—Transportation.

SB 351—Agriculture, Conservation, Parks and Natural Resources.

SB 352—Transportation.

SB 353—Ways and Means.

SB 354—Judiciary and Civil and Criminal Jurisprudence.

SB 355—Ways and Means.

SB 356—Economic Development, Tourism and Local Government.

SB 357—Seniors, Families and Public Health.

SB 358—Financial and Governmental Organizations and Elections.

SB 359—Judiciary and Civil and Criminal Jurisprudence.

SB 360—Economic Development, Tourism

and Local Government.

SB 361—Ways and Means.

SB 362—Education.

SB 363—Transportation.

SB 364—Agriculture, Conservation, Parks and Natural Resources.

SB 365—Economic Development, Tourism and Local Government.

SB 366—Judiciary and Civil and Criminal Jurisprudence.

SB 367—Financial and Governmental Organizations and Elections.

SB 368—Judiciary and Civil and Criminal Jurisprudence.

SB 369—Financial and Governmental Organizations and Elections.

SB 370—Judiciary and Civil and Criminal Jurisprudence.

SB 371—Transportation.

SB 372—Judiciary and Civil and Criminal

Jurisprudence.

SB 373—Judiciary and Civil and Criminal Jurisprudence.

SB 374—Health and Mental Health.

SJR 15—Financial and Governmental Organizations and Elections.

SJR 16—Economic Development, Tourism and Local Government.

INTRODUCTIONS OF GUESTS

Senator Smith introduced to the Senate, Bev Hacker and Steve Smith, St. Louis.

Senator Kennedy introduced to the Senate, Marian McCord and Russ and JoAnn Hartley, Oakville.

Senator Wilson introduced to the Senate, the Physician of the Day, Dr. Douglas A. Hagen, M.D., Kansas City.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, January 29, 2007.

SENATE CALENDAR

FOURTEENTH DAY—MONDAY, JANUARY 29, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 375-Koster
SB 376-Griesheimer
SB 377-McKenna
SB 378-Goodman
SB 379-Loudon
SB 380-Koster
SB 381-Koster

SB 382-Koster
SB 383-Koster
SB 384-Coleman and Gibbons
SB 385-Gibbons
SB 386-Mayer
SB 387-Mayer
SB 388-Mayer