

Journal of the Senate

FIRST REGULAR SESSION

TWENTIETH DAY—WEDNESDAY, FEBRUARY 7, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Create in me a clean heart, O God, and put a new and right spirit within me.” (Psalm 51:10)

Lord, so many times we get caught up in our own self importance because You have made us successful people. Help us to realize, as King David learned, that our pride in our accomplishments can get in the way of a right relationship with You. Only You, O Lord, can bring renewal and a pure heart that is willing to serve only You. Let us be such a people O God, and “put a new and right spirit” within us. 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	Stouffer	Vogel
Wilson—33			

Absent—Senators—None

Absent with leave—Senator Smith—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Purgason offered Senate Resolution No. 319, regarding the Lake of the Ozarks Habitat for Humanity, which was adopted.

Senator Coleman offered Senate Resolution No. 320, regarding the “Capitol Girl Scout Troop”, which was adopted.

Senator Crowell offered Senate Resolution No. 321, regarding the Clippard Elementary School and the Marathon Kids Club, Cape Girardeau, which was adopted.

Senator Barnitz offered Senate Resolution No. 322, regarding the Ninety-fourth Birthday of Guy Malicoat, Rhineland, which was adopted.

INTRODUCTION OF BILLS

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

SB 459—By Shoemyer.

An Act to repeal sections 374.710, 374.715, 374.755, 374.787, and 374.789, RSMo, and to enact in lieu thereof ten new sections relating to bail bond agents, with a penalty provision.

SB 460—By Callahan.

An Act to amend chapter 26, RSMo, by adding thereto one new section relating to state contracts for services.

SB 461—By Callahan.

An Act to amend chapter 27, RSMo, by adding thereto one new section relating to immigration enforcement.

SB 462—By Callahan.

An Act to amend chapter 196, RSMo, by adding thereto one new section relating to tobacco products that can be lawfully sold in Missouri.

SB 463—By Callahan.

An Act to amend chapter 376, RSMo, by adding thereto eleven new sections relating to the small business health fairness act of 2007.

SB 464—By Callahan.

An Act to repeal section 301.143, RSMo, and to enact in lieu thereof one new section relating to disabled parking signs, with penalty provisions.

SB 465—By Callahan.

An Act to repeal section 191.900, RSMo, and to enact in lieu thereof two new sections relating to the reporting of Medicaid fraud.

SB 466—By Scott.

An Act to repeal sections 408.052, 408.140, and 408.233, RSMo, and to enact in lieu thereof three new sections relating to home and automobile security plans, with penalty provisions.

SB 467—By Goodman.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to anatomic pathology services.

SB 468—By Coleman.

An Act to repeal section 558.019, RSMo, and to enact in lieu thereof one new section relating to sentencing discretion.

SB 469—By Justus.

An Act to authorize the conveyance of certain property to the city of Kansas City.

SB 470—By Graham.

An Act to repeal section 32.115, RSMo, and to enact in lieu thereof two new sections relating to a tax credit for contributions to support the preservation of Missouri's civil war sites.

SB 471—By Clemens.

An Act to amend chapter 348, RSMo, by adding thereto one new section relating to acquisition of dairy cows.

SB 472—By Clemens.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for sales of certain cattle.

SB 473—By Clemens.

An Act to repeal section 570.030, RSMo, and to enact in lieu thereof one new section relating to stealing livestock, with penalty provisions.

SECOND READING OF SENATE BILLS

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

SB 431—Judiciary and Civil and Criminal Jurisprudence.

SB 432—Judiciary and Civil and Criminal Jurisprudence.

SB 433—Pensions, Veterans' Affairs and General Laws.

SB 434—Judiciary and Civil and Criminal Jurisprudence.

SB 435—Commerce, Energy and the Environment.

SB 436—Education.

SB 437—Commerce, Energy and the Environment.

SB 438—Financial and Governmental Organizations and Elections.

SB 439—Judiciary and Civil and Criminal Jurisprudence.

SB 440—Financial and Governmental Organizations and Elections.

SB 441—Ways and Means.

SB 442—Financial and Governmental Organizations and Elections.

SB 443—Education.

SB 444—Agriculture, Conservation, Parks and Natural Resources.

SB 445—Transportation.

SB 446—Health and Mental Health.

SB 447—Small Business, Insurance and Industrial Relations.

SB 448—Education.

SB 449—Ways and Means.

SB 450—Ways and Means.

SB 451—Agriculture, Conservation, Parks and Natural Resources.

SB 452—Pensions, Veterans' Affairs and General Laws.

SB 453—Commerce, Energy and the Environment.

SB 454—Financial and Governmental Organizations and Elections.

SB 455—Ways and Means.

SB 456—Education.

SB 457—Judiciary and Civil and Criminal Jurisprudence.

SB 458—Commerce, Energy and the Environment.

Senator Gross assumed the Chair.

Senator Shields moved that the Senate recess to repair to the House of Representatives to receive the State of Transportation Address from Mr. Pete Rahn, Director of the Missouri Department of Transportation, which motion prevailed.

JOINT SESSION

The Joint Session was called to order by President Kinder.

On roll call the following Senators were present:

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	Stouffer	Vogel
Wilson—33			

Absent—Senators—None

Absent with leave—Senator Smith—1

Vacancies—None

On roll call the following Representatives were present:

Present—Representatives

Aull	Bearden	Bivins	Bland
Brandom	Bringer	Brown 50	Bruns
Burnett	Casey	Chappelle-Nadal	Cooper 155
Corcoran	Cox	Cunningham 145	Cunningham 86
Curls	Darrough	Daus	Davis
Day	Deeken	Dempsey	Denison

Dethrow	Dixon	Dougherty	Dusenberg
El-Amin	Emery	Ervin	Faith
Fallert	Fares	Fisher	Flook
Frame	Franz	Funderburk	George
Grill	Grisamore	Guest	Harris 23
Harris 110	Haywood	Hobbs	Hodges
Holsman	Hoskins	Hubbard	Hughes
Hunter	Icet	Jones 89	Kelly
Kingery	Komo	Kratky	Kraus
Kuessner	Lampe	Lembke	LeVota
Liese	Lipke	Loehner	Low 39
Lowe 44	Marsh	May	McClanahan
McGhee	Meadows	Meiners	Munzlinger
Muschany	Nance	Nasheed	Nieves
Nolte	Norr	Onder	Oxford
Page	Pearce	Pollock	Portwood
Pratt	Quinn 7	Quinn 9	Richard
Robb	Robinson	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander
Sater	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schneider
Schoeller	Schoemehl	Self	Shively
Silvey	Skaggs	Smith 14	Spreng
St. Onge	Storch	Stream	Sutherland
Swinger	Thomson	Threlkeld	Tilley
Todd	Viebrock	Villa	Vogt
Wallace	Walsh	Walton	Wasson
Wells	Weter	Whorton	Wildberger
Wilson 119	Wilson 130	Witte	Wood
Wright 159	Wright-Jones	Yaeger	Yates
Young	Zimmerman	Zweifel	Mr. Speaker—148

Nays—Representative Talboy—1

Absent and Absent with Leave—Representatives

Avery	Baker 25	Baker 123	Bowman
Brown 30	Cooper 120	Cooper 158	Donnelly
Johnson	Jones 117	Moore	Parson
Smith 150	Stevenson—14		

Vacancies—0

The Director of Transportation, Pete Rahn, assumed the dais and delivered the State of Transportation Address to the Joint Assembly:

Pete Rahn
State of Transportation Address
Jefferson City, Missouri
February 7, 2007

Lt. Governor, Mr. Speaker, Mr. President Pro Tem, Distinguished State Officials, Members of the 94th General Assembly, Members of the Missouri Highways and Transportation Commission and Citizens of Missouri:

Missouri has been shaped by the evolution of transportation. We have been blessed with great natural wonders and by the pioneering spirit of visionaries. Mighty rivers carried the canoes of the first Missourians. Lewis and Clark's keelboat followed close behind providing a gateway to the west and the great steamboats of the late 1800's revolutionized travel and commerce.

Missourians also witnessed the advance of railroads that drove western expansion and economic growth throughout our state. Crude cattle trails with now-famous names became roads and then super interstate highways, and flying contraptions led to bustling airports across Missouri that connected us overnight to the world.

Each improved form of transportation produced greater economic opportunity and increased our personal freedom. Today we enjoy, and frankly take for granted, the finest transportation system in the history of mankind. Our livelihoods, our security, our independence, in essence—our very way of life—depend upon the pavements, waterways, rail and runways that link our vast nation. In the very heart of this system, Missouri has great opportunity and a great responsibility.

It is because of this importance that I am proud to report to you that the state of transportation in Missouri is improving dramatically.

This improvement has been the result of greater investment in our transportation system - investment that creates jobs, personal income, economic activity and revenue for education, health care, public safety and other vital services.

The Missouri Department of Economic Development reports that our 5.7 billion-dollar, five-year statewide transportation improvement program provides an impressive economic benefit to citizens. Ultimately, for every one billion dollars we invest in transportation we generate 3.6 billion dollars in economic activity.

Additionally, many millions of dollars are received by the state's general revenue fund each year because of investment in our state's transportation system. That is funding that can be used for other vital public services.

History has demonstrated that investing in transportation has always been of significant value. Transportation is a good investment that returns great yields and leads to a better Missouri. We are seeing the benefits of greater investment in other ways, too.

Our busiest roads are smoother. 74 percent of Missouri's major

highways are now in good condition and drivers are feeling the difference.

Our most traveled highways are safer. We have installed brighter, wider stripes; larger, easier-to-read signs; emergency reference markers; rumble stripes and median guard cables. As a result, 173 fewer people lost their lives in 2006.

According to USA Today, this 14 percent drop is the third largest decrease in traffic fatalities among all states and the District of Columbia. Now, that is a ranking of which we can all be proud.

Ladies and gentleman, our roads are getting smoother and safer, sooner because your department of transportation is getting more efficient and effective every day.

This improved effectiveness was illustrated on December 8, 2006. I was pleased to join Governor Blunt in placing a big yellow banner reading "Completed One Year Ahead Of Schedule" on a Smooth Roads Initiative highway sign.

When we set out to use Amendment 3 funds to make Missouri's busiest 2,200 miles of roads smoother and safer in just three years, we thought that would be an extraordinary accomplishment.

In his 2006 State of the State Address, however, the governor challenged us to deliver the program one year early. And -- as soon as I regained consciousness -- we started working to meet the governor's challenge.

Last year we did just that and the words on the banner changed to reflect completion of the vital initiative not just as promised, but one year and 23 days early.

We cannot, however, at this time place a "Completed As Promised" banner on our mission to make Missouri's highways and bridges better. Together, we have made great advancements toward a world-class transportation system, but we have a long way to go. There are, however, positive indicators of our success. We are hearing from customers commenting about the noticeable improvements in Missouri's roads.

In December, we had further proof of drivers feeling the difference in the condition of our highways. A nationwide survey of truckers by Overdrive Magazine ranked Interstates 44 and 70 in Missouri as the second and third most improved highways in the country.

That is a dramatic change from just the previous year when that same magazine ranked I-44 in Missouri as the second-worst highway in the nation and our highways overall were also ranked second-worst.

This is progress, but not victory. During the past year we have announced steps to make further improvements to our state's roads. Just last month, the Missouri Highways and Transportation Commission approved the Better Roads, Brighter Future Program. If you thought the Smooth Roads Initiative was impressive, just wait until you experience this. Better Roads, Brighter Future is the

Smooth Roads Initiative on steroids.

This groundbreaking program will result in 5,600 miles of our busiest highways being smoother and safer by 2012. I would add that 95 percent of Missourians live within 10 miles of these routes.

These better roads will include smooth pavement; brighter, wider striping; larger signs; rumble stripes; and, in most cases, a minimum four-foot paved shoulder. This means that the success of the Smooth Roads Initiative and all of its improvements will now be applied to our entire major highway system.

At the same time, the program will mean a brighter future. Smooth roads increase fuel efficiency by 2.4 percent. That savings will put an additional 100 million dollars back into the pockets of Missouri's drivers.

Additionally, it will create employment opportunities up and down the highways we improve.

But our efforts don't end there. I thank the General Assembly for the authority to use the innovative design-build method to deliver improvements to Missouri's transportation system.

Our first design-build project is Highway 40 in St. Louis or I-64, as we now call it. I-64 will be the largest single construction project in Missouri's highway history and the implemented innovations are unrivaled here or anywhere else in the country.

We have taken a project that would normally create a virtual parking lot on I-64 for seven years and accelerated construction to just three years with the public feeling significant affects for only two. And the resulting benefits will be worth the temporary inconvenience.

We will be rebuilding and upgrading all pavements and bridges and building 12 new interchanges on 10 miles of I-64 including a new high speed interchange at I-170. Our innovative approach has already saved money and time while creating a model workforce development partnership for the region.

On the other side of the state, in Kansas City, we are proceeding with our second design-build project to replace the existing Paseo Bridge. We are calling this project KcICON because it will provide better interstate connections and will be a landmark bridge of which all Missourians can be proud.

KcICON will mean less traffic congestion and greater mobility in the Kansas City area. It also breaks new ground for community involvement. A 12-member Community Advisory Group has been formed whose members were selected by local officials to provide input and a public perspective regarding the architectural design of the bridge.

The third and final design-build project is our Safe and Sound Bridge Improvement Plan. Safe and Sound will mean more than 800 better bridges by 2012.

With over 10,000 bridges, Missouri has the seventh most of any

state in the union. We face a crisis situation as more than 1,000 are structurally in serious condition. Many are one step away from being closed.

Our bold approach to improve our bridges in record time is not only innovative, but also unprecedented. Other states, transportation organizations and national publications are watching this program with great interest.

A team of contractors and designers will be selected to perform all of the work. This approach works well with large, complicated projects and will give us the best possible opportunity to save money and complete the program within its aggressive time schedule. Each of the bridges will be replaced or repaired and the successful bidder will be required to keep them in good condition for at least 25 years. If their solutions don't perform, we don't pay. That is the ultimate protection of Missouri taxpayers for an extreme makeover of Missouri's bridges.

With all of this innovation accelerating our program, and thanks to voter approval of Amendment 3 in 2004, it is little wonder that we have experienced the largest highway construction program in Missouri history.

Missourians benefited from 1.4 billion dollars invested in road improvements in 2006 meaning that our highways are getting safer and smoother, our state is getting more prosperous and our quality of life is improving.

The people of Missouri trusted us with additional funding through Amendment 3. MoDOT said that we would put that money to quick use improving your state highways. We said what we would do and then we did it. We are on schedule for successful completion of Amendment 3 improvements and to declaring "Completed as Promised."

Our accomplishments, however, have not been limited to highways. We have also worked to improve other modes of transportation in our state.

In June of last year, we began the assessment of Amtrak rail service between St. Louis and Springfield. Additionally, I was proud to certify for operation the MetroLink extension in August. Both of these developments mean the potential for more and better transportation options for Missourians.

We have also made strides toward improving local airports, which are so essential to economic development and business retention. We are currently building an airport with a 5,000-foot runway in Branson West -- the 30th such airport in Missouri. This type of airport is essential for accommodating larger business aircraft.

This will be the 7th new airport constructed by MoDOT since 1990. In fact, Missouri has built more new general aviation airports than any state in the nation during this 16-year period.

Missouri's waterways have also seen investment resulting in economic development. A 500,000-dollar grant to the Southeast

Missouri Regional Port Authority in Scott City resulted in attraction of a corn milling business.

This economic development resulted in 40 million dollars of investment in the local community and creation of nearly 300 jobs in the area. The investment also helped bring about a nearby ethanol plant now under construction, which means another quarter of a billion dollars in private investment and 450 more jobs.

Unfortunately, with current funding, we cannot say, "completed as promised" to becoming a total transportation department. We are called a department of transportation, but we are funded like a highway department. We must find ways to increase investment in other modes of transportation.

When we speak of quality of life, we must discuss safety. We have worked hard to make our highways as safe as possible. And our efforts have led to a decrease in fatalities on our roadways.

Accelerating safety improvements under the Smooth Roads Initiative will save an estimated 14 lives and prevent 589 injuries this year. Earlier completion of these safety improvements will also result in a cost savings of more than \$74 million to the traveling public.

Another great life-saving measure has been the installation of median guard cables. Wherever the center median on our interstates is less than 60 feet wide, we have placed these cables. All of I-70 now has them across Missouri. Much of I-44 and I-29 also have these safety features and they will soon be complete on these corridors as well.

You need only to drive a few miles on these routes to witness the effectiveness of guard cables. As you drive, you will see how frequently the cables are being hit. It costs us nearly 4 million dollars per year to repair these strikes and maintain the guard cables overall.

This is money wisely invested, since each instance represents potential lives saved because the cables have proven 95 percent effective at stopping crossover crashes.

Despite the effectiveness of median guard cables and the other measures we have taken to make our highways safer, we all know that it is driver behavior that results in most highway fatalities and serious injuries. The fact is that the most effective "guard cable" is the one you strap across your body when you enter your vehicle. Unfortunately, not enough people are buckling up. We have seen a drop in safety belt use in Missouri. Usage rates went from 77 percent in 2005 to only 75 percent in 2006. This is the first time since 1998 that safety belt use has not increased.

Even more alarming, safety belt use is lowest among our youngest drivers. Teenagers buckle up only 58 percent of the time, and they make up a disproportionate amount of the people killed and injured in crashes each year.

The facts are clear and convincing. About 68 percent of the people

who die in Missouri traffic crashes are not wearing a safety belt. A driver involved in a traffic crash in 2005 had a one in 32 chance of being killed if not wearing a safety belt. In those cases where drivers wore safety belts, their chance of being killed was only one in 1,017.

It is apparent that safety belts save lives, but only if they are worn. Despite our best efforts. Despite unprecedented public education activities. Safety belt use is on the decline in Missouri.

We all know what action would increase safety belt use based on examples from numerous other states. That action is the passage of a primary safety belt law.

I commend the 39 members of the Missouri House of Representatives who have signed on to co-sponsor House Bill 90 - Missouri's primary safety belt act.

As most of you know, that bill number was not an accident. We could save 90 lives per year by enacting a primary safety belt law. Safety belt usage is required by law now. This bill would simply allow for effective enforcement.

Of the more than 500 traffic offenses in Missouri, our safety belt law is the only one that deliberately discourages police enforcement. The effect of the current law is to declare that a cracked taillight or a dirty license plate is a higher priority for law enforcement than life saving safety belts.

It is time to act. We spend billions of dollars making our highways safer. Without spending a dime, we could save 90 lives each year. It is imperative that we make 2007 the year we say, "completed as promised" about a primary safety belt law and saving those 90 lives.

That promise, however, will not be fulfilled just once. Each of you who help enact this bill will know that with every year that passes, you have saved another 90 lives.

Unfortunately, we are also losing too many MoDOT workers in the line of duty. In the past five years we have lost nine employees. Last year the General Assembly took an important, life-saving step by making work zone laws stricter and the penalties more severe. I thank you, sincerely.

In 2006, four MoDOT employees lost their lives. Bob Eftink, Robert Mayer, Ken Hoierman and William Crain were killed in the line of duty working to make our transportation system better.

MoDOT team members made many sacrifices over the past year working long hours, including nights and weekends, serving the people of our state. These four gentlemen made the ultimate sacrifice in service to the public.

Relatives of Bob Eftink, Robert Mayer, Ken Hoierman and William Crain are here today. They represent the loved ones they lost and the families of all MoDOT workers who have made great sacrifices for the people of Missouri. I ask them to stand so we can express our appreciation.

We have accomplished great things together over the past year. It is our duty, however, to look toward the future, not to remain in the past. That future will require us to think differently than we have before.

Transportation is too important to be locked into conventional solutions. To address the needs of our future, we will have to look beyond what is currently accepted to what is most effective.

The needs we must address are substantial. By 2012 -- just five years from today -- there will be nearly 800,000 more large trucks annually on I-44 and greater than 700,000 more large trucks on I-70. This vital commercial traffic will only increase beyond 2012 and will be even higher in urban areas.

We cannot ignore this growing traffic and I am convinced that we must include dedicated truck lanes as part of our solution to separate semis from family sedans on our two most critical roadways -- I-70 and I-44.

This will make driving safer and more comfortable for motorists and truckers. This can be accomplished within our current cost estimates of 7.2 billion dollars for improvement to both interstates.

The growing traffic congestion on our interstates will be even worse in urban areas. By the year 2020, drivers on the Poplar Street Bridge in St. Louis will experience three-hour backups during morning peak commute times. We must do everything we can to prevent that from happening.

A New Mississippi River Bridge is critical to the long-term economic health of the St. Louis region. Unfortunately, given current funding, we have no means to pay for this project. It is imperative that we find an innovative solution to paying for this bridge.

This bridge and our interstates are just a portion of the 32,000-mile highway system we maintain - the seventh largest in the country. We have nearly 27,000 miles of lettered routes that are so vital to our overall system. Currently, and for the foreseeable future, we can only try to maintain them in their current condition without any significant improvements.

These routes are particularly important for the movement of crops and agricultural products, which are imperative to the economic health of our state. Without additional funding, we can do little to accommodate the changing nature of farm equipment including the transition from the old two-ton flatbed truck to the tractor-trailer rigs that are so common on today's farms.

In order to rebuild our largest, busiest interstates. To improve our lettered routes. To impact growing urban and suburban congestion. To truly move transportation forward in Missouri. We must find a way to direct more dollars to our roads and other modes of transportation.

We are in the midst of a bubble for funding of highway

construction. From the top of this peak we can observe a very low valley. Our current construction program of 1.3 billion dollars, the largest in Missouri history, drops off a cliff in 2010 and plummets to 569 million dollars, which is slightly less than where we were prior to Amendment 3.

I am extremely pleased to see a dialogue about the need for greater transportation funding beginning in the legislature this year. I know that legislation has been introduced that will allow for thoughtful debate about funding highways, bridges and other modes. That is a crucial first step.

As your department of transportation, it is our duty to ensure that taxpayers are confident in our ability to utilize additional funding effectively and efficiently. They also expect us to use the money to improve their roads. We have demonstrated our ability to do just that.

When we started the Smooth Roads Initiative, only 47 percent of Missouri's major highways were in good condition. Today, 74 percent of those highways are in good condition.

We have shown that given additional resources we will use them wisely and for their intended purposes. As we were investing record amounts in highway construction, we were only spending two percent of our budget on administration and with no additional full-time staff.

We have applied practical design to our roads and bridges by cutting out the frills and simply meeting needs. We have applied that same concept to administrative expenses and are directing the maximum amount possible to making our transportation system better.

And, we are being recognized for our efforts.

Roads and Bridges magazine said MoDOT, "has turned over a new leaf, and infrastructure repair work started to flourish over the last year."

Midwest Contractor magazine called MoDOT the leader in innovation among the states in its region.

The Kansas City Star said that MoDOT deserves credit for considering "new approaches to financing infrastructure" in regard to our Safe and Sound Bridge Plan.

And, the Jefferson City News Tribune editorialized that MoDOT has gained momentum and that "The best way to restore credibility is with action, not talk, and the department has done precisely that."

I am grateful for their comments.

Your department of transportation said we would work hard to build credibility with the people of Missouri.

We said we would make your roads smoother.

We said we would make your roads safer.

We said we would get the best value out of every taxpayer dollar we

have been given.

But we are not prepared to say, "Completed as Promised" to all of those goals because we will always work to do things even better, faster and cheaper.

Our future, however, does show great promise and, together, we can make sure that "Completed As Promised" becomes the motto for transportation in Missouri.

Thank you and may God bless your travels.

On motion of Senator Shields, the Joint Session was dissolved and the Senators returned to the Chamber where they were called to order by Senator Scott.

HOUSE BILLS ON THIRD READING

HB 15, introduced by Representative Icet, entitled:

An Act to appropriate money for supplemental purposes for the Department of Social Services, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2007.

Was taken up by Senator Gross.

On motion of Senator Gross, **HB 15** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Justus
Kennedy	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Scott	Shields	Shoemyer	Vogel
Wilson—29			

NAYS—Senators—None

Absent—Senators

Koster	Rupp	Stouffer—3
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Absent with leave—Senators

Barnitz	Smith—2
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Vacancies—None

The President declared the bill passed.

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

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

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

SENATE BILLS FOR PERFECTION

Senator Griesheimer moved that **SB 284**, with **SCS, SS** for **SCS, SA 5** and **SA 1 to SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 1 to SA 5 was again taken up.

At the request of Senator Gross, the above amendment was withdrawn.

Senator Gross offered **SA 2 to SA 5**, which was read:

SENATE AMENDMENT NO. 2 TO SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Page 1, Section 67.2703, Lines 18-19 of said page, by striking all of said lines and inserting in lieu thereof the following: **“provider shall provide such channels on the basic service tier. All video”**.

Senator Gross moved that the above amendment be adopted.

At the request of Senator Gross, **SA 2 to SA 5** was withdrawn.

SA 5 was again taken up.

Senator Bray offered **SA 3 to SA 5**:

SENATE AMENDMENT NO. 3 TO SENATE AMENDMENT NO. 5

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Page 4, Section 67.2703, Line

19 of said page, by inserting immediately after said line the following:

“8. (1) The obligation of an incumbent cable operator to provide monetary and other support for PEG access facilities contained in a franchise existing on the effective date of sections 67.2675 to 67.2714 shall continue until the term of the franchise would have expired if it had not been terminated pursuant to sections 67.2675 to 67.2714 or until January 1, 2009, whichever is earlier.

(2) Each video service provider providing video service in a political subdivision shall have the same obligation to support PEG access facilities as the incumbent cable operator with the most subscribers in such political subdivision as of the date of enactment of sections 67.2675 to 67.2714. To the extent such incumbent cable operator provides such support in the form of a percentage of gross revenue or a per subscriber fee, any other video service provider shall pay the same percentage of gross revenue or per subscriber fee as the incumbent cable operator. To the extent the incumbent cable operator provides such support in the form of a lump sum payment without an offset to its gross receipts fee, any other video service provider shall be responsible for a pro rata share of such payment made by the incumbent cable operator after the date on which the other video service provider commences service in a particular political subdivision, based on its proportion of video service customers in such political subdivision. To the extent the incumbent cable operator provides such support on an in-kind basis after the date on which the other video service provider commences service in a particular political subdivision, any other video service provider shall pay the political subdivision a sum equal to the pro rata amount of the fair market value of such support based on its proportion of video service customers in such political subdivision.

(3) For purposes of this section, the proportion of video service customers of a video service provider shall be determined based on the relative number of subscribers as of the end of the prior calendar year as reported by all incumbent cable operators and holders of video service authorizations. A franchising entity acting under this subsection shall notify a video service provider of the amount of such fee on an annual basis, beginning one year after issuance of the video service authorization.

9. Neither the public service commission nor any political subdivision may require a video service provider to provide any institutional network or equivalent capacity on its video service network. The obligation of an incumbent cable operator to provide such network or capacity contained in a franchise existing on the effective date of sections 67.2675 to 67.2714 shall continue until the term of the franchise would have expired had it not been terminated pursuant to sections 67.2676 to 67.2714, or until January 1, 2009, whichever is earlier, and shall be limited to providing the network as is on the effective date of sections 67.2675 to 67.2714.”.

Senator Bray moved that the above amendment be adopted.

At the request of Senator Griesheimer, **SB 284**, with **SCS, SS** for **SCS, SA 5** and **SA 3** to **SA 5** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Gibbons referred **SCR 13** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

RESOLUTIONS

Senator Champion offered Senate Resolution No. 323, regarding Nancy Brown Dornan, Springfield, which was adopted.

COMMUNICATIONS

Senator Coleman submitted the following:

February 6, 2007

Terry Spieler - Secretary of the Senate
State Capitol, Room 325
Jefferson City, Missouri 65101

RE: Joint Committee on Transportation Oversight

Dear Ms. Spieler:

Pursuant to section 21.795 RSMo, I make the following appointments to the Joint Committee on Transportation Oversight:

Senator Joan Bray
Senator Rita Days
Senator Frank Barnitz.

Thank you.

Sincerely,
/s/ Maida J. Coleman
Maida J. Coleman
Minority Floor Leader

Also,

Senator Kennedy submitted the following:

February 7, 2007

Re: SB 9

Dear Ms. Spieler

As sponsor of SB 9, I respectfully request that it be removed from the Senate Consent Calendar and returned to the Committee on Economic Development, Tourism and Local Government for further consideration.

Yours truly,
/s/ Harry Kennedy
Senator Harry Kennedy

Also,

Senator Shields submitted the following:

February 7, 2007

Ms. Terry Spieler
Secretary of the Senate
State Capitol, Office 325
Jefferson City, MO 65101

Dear Ms. Spieler:

As chairman of the Senate Rules, Joint Rules, Resolutions and Ethics Committee, I would like to reflect the recommendations of the committee by removing Senate Bill 47 and Senate Bill 384 from the Senate Consent Calendar.

Sincerely,
/s/ Charlie Shields
Charlie Shields

INTRODUCTIONS OF GUESTS

On behalf of Senator Smith and himself, Senator Kennedy introduced to the Senate, Dr. Tim McCann, M.D. and his son, John Nicholas, St. Louis; and John Nicholas was made an honorary page.

On behalf of Senator Koster and himself, Senator Kennedy introduced to the Senate, Emily Lange, Peculiar.

Senator Scott introduced to the Senate, Brent DeRossett, Bolivar.

Senator Gibbons introduced to the Senate, MacKenzie Thiessen, Fayette, who was made an honorary page.

Senator Purgason introduced to the Senate, Dan Whittle, Smyrna, Tennessee.

Senator Stouffer introduced to the Senate, Vickie McCalley and constituents from the Richmond area.

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

SENATE CALENDAR

TWENTY-FIRST DAY—THURSDAY, FEBRUARY 8, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 459-Shoemyer
SB 460-Callahan
SB 461-Callahan
SB 462-Callahan
SB 463-Callahan
SB 464-Callahan
SB 465-Callahan
SB 466-Scott

SB 467-Goodman
SB 468-Coleman
SB 469-Justus
SB 470-Graham
SB 471-Clemens
SB 472-Clemens
SB 473-Clemens

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 284-Griesheimer, et al, with SCS, SS
for SCS, SA 5 & SA 3 to SA 5
(pending)

CONSENT CALENDAR

Senate Bills

Reported 2/1

SB 81-Griesheimer
SB 115-Scott, with SCS
SB 152-Engler
SB 25-Champion

SB 84-Champion
SB 52-Stouffer, with SCS
SB 232-Crowell, with SCS
SB 19-Shields

Unofficial
RESOLUTIONS

Reported from Committee

SCR 5-Shields, with SCS

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