

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-THIRD DAY—TUESDAY, FEBRUARY 13, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Senator Scott offered the following prayer:

“The steps of a good man are ordered by the Lord, and he delights in his way. Though he fall, he shall not be utterly cast down; for the Lord upholds him with his hand.” (Psalm 37:23, 24)

Lord, we are grateful today for the many blessings You have given us.

Blessings of health, blessings of being able to participate in public service, even blessings of a beautiful snowy day.

We ask for Your wisdom today as we work to solve complicated issues. We ask that You would bless those who work in this building to make the operation run smoothly and that You bless our families at home whose work and responsibilities are increased in our absence. We pray especially that You will uphold us with Your hand.

For everything You have done for us we thank You in The Name of Our Lord Jesus. 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.

RESOLUTIONS

Senator Days offered Senate Resolution No. 356, regarding Anne C. Ream, O.D., West Plains, which was adopted.

Senator Vogel offered Senate Resolution No. 357, regarding Wesley F. Hentges, Tipton, which was adopted.

Senator Vogel offered Senate Resolution

No. 358, regarding Larry G. Wyrick, Tuscumbia, which was adopted.

Senator Vogel offered Senate Resolution No. 359, regarding Marion Davis McMillan, Jefferson City, which was adopted.

Senator Crowell offered Senate Resolution No. 360, regarding the Southeast Missourian Building, Cape Girardeau, which was adopted.

CONCURRENT RESOLUTIONS

Senators Barnitz, Callahan, Shoemyer, Purgason, Rupp, Green, Griesheimer, Engler and Loudon offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 15

Whereas, President George W. Bush established the Security and Prosperity Partnership (SPP) of North America, with the nations of Mexico and Canada on March 23, 2005; and

Whereas, a television reporter asked President Bush on March 23, 2005, whether in light of the European Union, the SPP was a step towards continental integration and he responded, "...So that the vision that you asked about in your question as to what kind of union might there be, I see one based upon free trade, that would then entail commitment to markets and democracy, transparency, rule of law..."; and

Whereas, the gradual creation of such a North American Union from a merger of the United States, Mexico, and Canada would be a direct threat to the Constitution and national independence of the United States, and imply an eventual end to national borders within North America; and

Whereas, a White House news release confirmed the continuing existence of the SPP and its "ongoing process of cooperation" on March 31, 2006; and

Whereas, Congressman Ron Paul has written that a key to the SPP plan is an extensive new NAFTA superhighway: "[U]nder this new 'partnership', a massive highway is being planned to stretch from Canada to Mexico, through the state of Texas."; and

Whereas, this trilateral partnership to develop a North American Union has never been presented to Congress as an agreement or treaty, and has had virtually no congressional oversight; and

Whereas, state and local governments throughout the United States would be negatively impacted by the SPP/North American Union process, such as the "open borders" vision of the SPP, eminent domain takings of private property along the planned superhighways, and increased law enforcement problems along those same superhighways:

Now, therefore, be it resolved that the members of the Senate of the Ninety-fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby urge and petition the Congress of the United States to use all of its efforts, energies, and diligence to withdraw the United States from any further participation in the Security and Prosperity Partnership of North America and any other bilateral or multilateral activity, however named, which seeks to advance, authorize, fund, or in any way promote the creation of any structure to accomplish any form of a North American Union as herein described; and

Be it further resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for each member of the Missouri Congressional delegation.

Senator Scott offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 16

WHEREAS, we recognize that Missouri is comprised of many hard-working, tax-paying, lawfully present immigrants who embody values shared by their Missouri neighbors; and

WHEREAS, lawfully present immigrants contribute positively to the rich cultural heritage of this nation and state; and

WHEREAS, since illegal immigrants are in violation of federal law through their mere presence in this country, other benefits conferred under federal law including the distribution of compensation through our country's social programs should not befall such individuals; and

WHEREAS, we recognize that the Social Security program is becoming increasingly depleted financially and that extending benefits to illegal immigrants will have a deleterious effect on the ability of the system to pay beneficiaries who have contributed to the system through years of gainful and legal employment:

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 call on Congress for a unified voice in opposing legislation or any other agreement that proposes to extend Social Security benefits to illegal immigrants who are not lawfully present in the United States and in so being, stand in violation of federal law; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States and the members of the Missouri Congressional Delegation.

Senator Rupp offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 17

WHEREAS, the Securities and Exchange Commission has

determined that business activities in U.S.-sanctioned terrorist-sponsoring states can materially harm the share value of foreign companies that may be held in portfolio by Missouri's public retirement systems; and

WHEREAS, U.S. publicly traded companies are not allowed to do business in or with U.S. State Department-designated terrorist-sponsoring states; and

WHEREAS, Missouri's public pension systems currently invest on behalf of the citizens of Missouri in foreign publicly traded companies that may be at risk due to such ties to terrorism; and

WHEREAS, the General Assembly of the State of Missouri views state investments in foreign publicly traded companies that have business operations in or with U.S. State Department-designated terrorist-sponsoring states as putting at risk the pensions of its dedicated public employees; and

WHEREAS, the exclusion of companies with such ties to terrorism from public portfolios will help protect Missouri's public pension systems from investment losses related to such business activities and could improve the performance of these public funds; and

WHEREAS, the General Assembly of the State of Missouri finds it unconscionable for the State of Missouri to invest in companies whose business activities benefit nations that are egregious violators of human rights and known sponsors of terrorism and that, according to the U.S. government, are developing weapons of mass destruction and delivery capabilities:

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 calls on the public retirement funds of Missouri to immediately enact all necessary provisions and take all necessary actions to ensure that no funds of the State of Missouri are invested in entities that have direct business operations with the U.S. State Department-designated terrorist-sponsoring states; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Governor.

Senators Gibbons and Coleman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 18

WHEREAS, Section 21.760 of the Revised Statutes of Missouri provides that during the regular legislative session which convenes in an odd-numbered year, the General Assembly shall, by concurrent resolution, employ an independent certified public accountant or certified public accounting firm to conduct an audit examination of the accounts, functions, programs, and management of the State Auditor's office:

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 authorize the employment of an independent certified public accountant or certified public accounting firm pursuant to the provisions of Section 21.760; and

BE IT FURTHER RESOLVED that the audit examination be made in accordance with generally accepted auditing standards, including such reviews and inspections of books, records and other underlying data and documents as are necessary to enable the independent certified public accountant performing the audit to reach an informed opinion on the condition and performance of the accounts, functions, programs, and management of the State Auditor's Office; and

BE IT FURTHER RESOLVED that upon completion of the audit, the independent certified public accountant make a written report of his or her findings and conclusions, and supply each member of the General Assembly, the Governor, and the State Auditor with a copy of the report; and

BE IT FURTHER RESOLVED that the cost of the audit and report be paid out of the joint contingent fund of the General Assembly; and

BE IT FURTHER RESOLVED that the Commissioner of Administration bid these services, at the direction of the General Assembly, pursuant to state purchasing laws; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for the Commissioner of Administration.

INTRODUCTION OF BILLS

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

SB 497—By Scott.

An Act to repeal sections 58.500, 58.510, 110.130, 110.140, and 110.150, RSMo, and to enact in lieu thereof five new sections relating to county treasurers.

SB 498—By Scott.

An Act to repeal section 337.510, RSMo, and to enact in lieu thereof one new section relating to professional counselors.

SB 499—By Engler and Clemens.

An Act to repeal section 142.028, RSMo, and to enact in lieu thereof one new section relating

to qualified bio-mass.

SB 500—By Koster.

An Act to amend chapter 287, RSMo, by adding thereto one new section relating to worker's compensation for public safety workers.

SB 501—By Koster.

An Act to amend chapter 142, RSMo, by adding thereto one new section relating to motor fuel tax exemptions.

SB 502—By Koster.

An Act to authorize the conveyance of property owned by the state in Johnson County to the City of Warrensburg.

SB 503—By Clemens.

An Act to repeal sections 135.800, 135.805, 348.430, and 348.432, RSMo, and to enact in lieu thereof four new sections relating to agricultural tax credits.

SENATE BILLS FOR PERFECTION

At the request of Senator Mayer, **SB 339**, with **SCS**, was placed on the Informal Calendar.

SB 255, **SB 249** and **SB 279**, with **SCS**, were placed on the Informal Calendar.

At the request of Senator Mayer, **SB 46**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Shields, **SB 161**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Wilson, **SB 107** was placed on the Informal Calendar.

At the request of Senator Bartle, **SB 27** was placed on the Informal Calendar.

Senator Nodler moved that **SB 389**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 389**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 389

An Act to repeal sections 160.254, 173.005, 173.200, 173.203, 173.205, 173.210, 173.215,

173.220, 173.225, 173.230, 173.616, 173.810, 173.813, 173.816, 173.820, 173.825, 173.827, 173.830, and 313.835, RSMo, and to enact in lieu thereof eighteen new sections relating to higher education, with penalty provisions and an emergency clause.

Was taken up.

Senator Nodler moved that **SCS** for **SB 389** be adopted.

Senator Nodler offered **SS** for **SCS** for **SB 389**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 389

An Act to repeal sections 160.254, 173.005, 173.200, 173.203, 173.205, 173.210, 173.215, 173.220, 173.225, 173.230, 173.616, 173.810, 173.813, 173.816, 173.820, 173.825, 173.827, 173.830, and 313.835, RSMo, and to enact in lieu thereof eighteen new sections relating to higher education, with penalty provisions and an emergency clause.

Senator Nodler moved that **SS** for **SCS** for **SB 389** be adopted.

Senator Nodler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 389, Page 14, Section 173.475, Lines 9-20, by striking all of said lines and inserting in lieu thereof the following: "**the Missouri development finance board by the Missouri technology corporation, authorized under section 348.251, RSMo, in an amount equal to fifteen million dollars, and for capital projects at state educational institutions as defined in section 176.010, RSMo, as follows:**

(1) **The Morrow/Garrison project at Central Missouri State University in an amount equal to thirteen million two hundred twenty-nine thousand dollars;**

(2) **The CORTEX Accelerator Facility at Harris-Stowe State University in an amount**

equal to five million five hundred thousand dollars;

(3) The Early Childhood and Parent Education Center at Harris-Stowe State University in an amount equal to ten million two hundred twenty-six thousand dollars;

(4) The Jason Hall project at Lincoln University in an amount equal to two million nine hundred seventy-four thousand dollars;

(5) The Health Sciences Building at Missouri Southern State University in an amount equal to eighteen million nine hundred seventy-six thousand dollars;

(6) The Facilities Reutilization Plan at Missouri State University in an amount equal to twenty-nine million seven hundred four thousand dollars;

(7) The business incubator at Missouri State University in an amount equal to five million dollars;

(8) The Agenstein Science and Math, Phase I project at Missouri Western State University in an amount equal to thirty million one hundred fifteen thousand dollars;

(9) The Center for Plant Biologics at Northwest Missouri State University in an amount equal eleven million four hundred thousand dollars;

(10) The business incubator at Southeast Missouri State University in an amount equal to four million five hundred thousand dollars;

(11) The River Campus at Southeast Missouri State University in an amount equal to seventeen million two hundred thousand dollars;

(12) The Pershing Building at Truman State University in an amount equal to twenty-one million five hundred fifty-eight thousand dollars;

(13) The Health Sciences Research and

Education Center at the University of Missouri-Columbia in an amount equal to eighty-five million twenty-nine thousand dollars;

(14) The business incubator at the University of Missouri-Columbia in an amount equal to two million dollars;

(15) The Plant Science Research Center at the University of Missouri-Columbia in an amount equal to three million dollars;

(16) The Greenley Learning and Discovery Park at the University of Missouri-Columbia in an amount equal to two million dollars;

(17) The Delta Research Center and Plant Science Greenhouse at the University of Missouri-Columbia in an amount equal to two million dollars;

(18) The business incubator at the University of Missouri-Kansas City in an amount equal to twelve million dollars;

(19) The Health Sciences Center at the University of Missouri-Kansas City in an amount equal to three million dollars;

(20) The School of Dentistry at the University of Missouri-Kansas City in an amount equal to three million four hundred thousand dollars;

(21) The Toomey Hall project at the University of Missouri-Rolla in an amount equal to eleven million dollars;

(22) The Center for Emerging Technologies II at the University of Missouri-St. Louis in an amount equal to five million five hundred thousand dollars;

(23) The Benton/Stadler Halls project at the University of Missouri-St. Louis in an amount equal to eighteen million dollars; and

(24) To the twelve public community colleges of this state in amount equal to twelve million dollars to be divided equally among the twelve public community colleges of this state

and an amount equal to six million dollars for maintenance and repair at the twelve public community colleges in the following amounts:

(a) Crowder College in an amount equal to two hundred one thousand five hundred eighteen dollars;

(b) East Central College in an amount equal to two hundred thirty-three thousand nine hundred seven dollars;

(c) Jefferson College in an amount equal to three hundred forty-three thousand two hundred five dollars;

(d) Metropolitan Community College in an amount equal to one million four hundred twenty-five thousand eight hundred forty dollars;

(e) Mineral Area College in an amount equal to two hundred twenty-four thousand eight hundred sixty one dollars;

(f) Moberly Area Community College in an amount equal to two hundred twenty-one thousand two hundred forty-three dollars;

(g) North Central Missouri College in an amount equal to one hundred eleven thousand three dollars;

(h) Ozarks Technical Community College in an amount equal to four hundred thirty thousand six hundred fifty-eight dollars;

(i) St. Charles Community College in an amount equal to three hundred twenty-four thousand seven hundred twenty-six dollars;

(j) St. Louis Community College in an amount equal to two million fifty thousand two hundred thirty-three dollars;

(k) State Fair Community College in an amount equal to two hundred thirty-eight thousand four hundred fourteen dollars;

(l) Three Rivers Community College in an amount equal to one hundred ninety-four thousand three hundred ninety-two dollars.”.

Senator Nodler moved that the above amendment be adopted.

Senator Barnitz offered **SSA 1** for **SA 1**, which was read:

**SENATE SUBSTITUTE AMENDMENT NO. 1
FOR SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 389, Pages 13-16, Section 173.475, by striking said section and inserting in lieu thereof the following:

“173.475. In addition to the purposes and powers set forth in sections 173.350 to 173.445, the authority's purposes shall include the power to transfer certain funds from the authority to the general revenue fund. The funds transferred from the authority to the general revenue fund may be utilized in any manner as determined by the general assembly through the appropriation process.”.

Senator Barnitz moved that the above substitute amendment be adopted.

Senator Gross assumed the Chair.

Senator Scott assumed the Chair.

President Kinder assumed the Chair.

Senator Griesheimer assumed the Chair.

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

President Kinder assumed the Chair.

Senator Gross assumed the Chair.

Senator Rupp assumed the Chair.

At the request of Senator Nodler, **SB 389**, with **SCS, SS** for **SCS, SA 1** and **SSA 1** for **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

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

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 300**, entitled:

An Act to repeal sections 320.200, 320.271, and 320.300, RSMo, and to enact in lieu thereof seven new sections relating to fire protection.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 453**, entitled:

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to income tax credits for donations to food pantries.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 454**, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to supplemental food stamp assistance.

In which the concurrence of the Senate is

respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 352**, entitled:

An Act to repeal sections 34.165 and 178.930, RSMo, and to enact in lieu thereof two new sections relating to state purchasing and printing.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

REFERRALS

President Pro Tem Gibbons referred **SCR 14** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

INTRODUCTIONS OF GUESTS

Senator Coleman introduced to the Senate, Chelsea Hyatt, Wappapello.

Senator Mayer introduced to the Senate, Kristen Bush, Dexter.

Senator Vogel introduced to the Senate, Avory Werdehausen and Anthony Murphy, Jefferson City; and Avory and Anthony were made honorary pages.

Senator Kennedy introduced to the Senate, members of St. Catherine Girl Scout Troop 2249, St. Louis; and Laura Rottman, Rebecca Bosch, Kathryn Doder and Natalie Haffner were made honorary pages.

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

SENATE CALENDAR

 TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 14, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 487-Stouffer	SB 496-Koster
SB 488-Clemens	SB 497-Scott
SB 489-Clemens	SB 498-Scott
SB 490-Mayer	SB 499-Engler and Clemens
SB 491-Ridgeway	SB 500-Koster
SB 492-Crowell	SB 501-Koster
SB 493-Koster	SB 502-Koster
SB 494-Koster	SB 503-Clemens
SB 495-Koster	SJR 21-Clemens

HOUSE BILLS ON SECOND READING

HB 353-Schaaf, et al	HB 454-Jetton, et al
HCS for HB 300	HB 352-Hobbs, et al
HCS for HB 453	

SENATE BILLS FOR PERFECTION

SBs 49, 65, 210 & 251-Engler, et al, with SCS	SB 384-Coleman and Gibbons, with SCS
SB 287-Crowell and Vogel	SB 129-Stouffer and Crowell, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 27-Bartle and Koster	SB 284-Griesheimer, et al, with SCS, SS for SCS, SA 5 & SA 4 to SA 5 (pending)
SB 46-Mayer, et al, with SCS	SB 339-Mayer, with SCS
SB 107-Wilson	SB 389-Nodler, et al, with SCS, SS for SCS, SA 1 & SSA 1 for SA 1 (pending)
SB 161-Shields, with SCS	
SBs 255, 249 & 279-Loudon, with SCS	

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

Reported 2/8

SB 420-Gibbons, et al, with SCS
SB 21-Griesheimer, with SCS
SB 211-Goodman
SB 264-Green
SB 288-Engler, with SCS
SB 298-Engler
SB 311-Scott, with SCS
SB 322-Engler
SB 163-Mayer, with SCS
SB 79-Scott
SB 198-Mayer, with SCS
SB 315-Clemens
SB 4-Gross, with SCS
SB 127-Mayer

SB 244-Mayer
SB 401-Crowell
SB 402-Crowell
SB 403-Crowell
SB 404-Crowell
SB 406-Crowell
SB 130-Stouffer
SB 238-Stouffer
SB 240-Stouffer
SB 226-Stouffer, with SCS
SB 104-Stouffer, with SCS
SB 103-Stouffer, with SCS
SB 102-Stouffer
SB 91-Nodler, with SCS

RESOLUTIONS

Reported from Committee

SCR 5-Shields, with SCS

To be Referred

SCR 15-Barnitz, et al
SCR 16-Scott

SCR 17-Rupp
SCR 18-Gibbons and Coleman