

# Journal of the Senate

## FIRST REGULAR SESSION

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**TWENTY-FIFTH DAY—THURSDAY, FEBRUARY 15, 2007**

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The Senate met pursuant to adjournment.

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

President Kinder in the Chair.

Absent—Senators—None

Reverend Carl Gauck offered the following prayer:

Absent with leave—Senators—None

“The heavens are telling the glory of God; And the firmament proclaims his handiwork.” (Psalm 19:1)

Vacancies—None

Gracious God, open our eyes to the rich beauty of creation saturated with the emotions that are filled with eternity and can bring us face to face with You our God. Make us mindful daily to care for what You have given us and put forth the effort to leave the world better for our children and grandchildren. In Your Holy Name we pray. Amen.

The Lieutenant Governor was present.

The Pledge of Allegiance to the Flag was recited.

## RESOLUTIONS

A quorum being established, the Senate proceeded with its business.

Senator Coleman offered Senate Resolution No. 390, regarding Elder Ernest A. Byrd, of the Full Gospel Spiritual Temple, St. Louis, which was adopted.

The Journal of the previous day was read and approved.

Senator Coleman offered Senate Resolution No. 391, regarding the Lawrence Group, which was adopted.

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

Senator McKenna offered Senate Resolution No. 392, regarding the Sixty-third Wedding Anniversary of Mr. and Mrs. Leo Lloyd Lalumondier, which was adopted.

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

Senator Callahan offered Senate Resolution No. 393, regarding the Independence Chamber of Commerce, which was adopted.

Senator Goodman offered Senate Resolution

No. 394, regarding the Reeds Spring School District, which was adopted.

Senator Goodman offered Senate Resolution No. 395, regarding the Branson School District, Reeds Spring, which was adopted.

Senator Gibbons offered Senate Resolution No. 396, regarding the March of Dimes, which was adopted.

Senator Stouffer offered Senate Resolution No. 397, regarding Saline County Professional Social Workers, which was adopted.

## INTRODUCTION OF BILLS

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

### **SB 513**—By Clemens.

An Act to repeal section 335.212, RSMo, and to enact in lieu thereof one new section relating to the professional and practical nursing student loan program.

### **SB 514**—By Justus and Bray.

An Act to repeal section 167.181, RSMo, and to enact in lieu thereof two new sections relating to immunizations against the human papilloma virus.

### **SB 515**—By Justus.

An Act to amend chapter 167, RSMo, by adding thereto one new section relating to educational needs of children in licensed residential care facilities.

### **SB 516**—By Goodman.

An Act to repeal section 517.041, RSMo, and to enact in lieu thereof one new section relating to service of process in cases before associate circuit judges.

### **SB 517**—By Rupp.

An Act to repeal section 87.006, RSMo, and to enact in lieu thereof one new section relating to retirement benefits for firefighters.

### **SB 518**—By Mayer and Crowell.

An Act to amend chapter 379, RSMo, by adding thereto eight new sections relating to the establishment of the Missouri catastrophe fund.

## 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 and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Robert H. Spence, as a member of the Missouri Higher Education Loan Authority;

Also,

Frank L. Shorney, Democrat, as a member of the Clean Water Commission;

Also,

William “Larry” Cloud, as a member of the Citizens’ Advisory Commission for Marketing Missouri Agricultural Products;

Also,

Judith W. Scott, Republican, as a member of the Health and Educational Facilities Authority of the State of Missouri;

Also,

Larry W. Plunkett, Sr., Democrat, as a member of the Missouri Gaming Commission;

Also,

Carol A. Wilson, Republican, as Chairperson and member of the Board of Election Commissioners for Saint Louis City;

Also,

Judith K. Doss, Republican, as a member of

the Regional Convention and Sports Complex Authority;

Also,

Vincent J. Bommarito, as a member of the Saint Louis City Board of Police Commissioners;

Also,

Lori A. Clark, as a member of the Organ Donation Advisory Committee;

Also,

Erwin P. Gadd, Republican, and Patricia M. Mahoney, Democrat, as members of the State Milk Board;

Also,

Roslyn M. Morgan, as a member of the Consolidated Health Care Plan Board of Trustees.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the 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.

President Pro Tem Gibbons assumed the Chair.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following reports:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 8**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Ways and Means, to which was referred **SB 30**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Ways and Means, to which were referred **SB 199** and **SB 207**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following reports:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 275**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 156**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 159**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 272**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 132**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 171**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 269**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 270**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 271**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 158**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent

Calendar.

Also,

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 281**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 237**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 22**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 79**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 315**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Purgason, Chairman of the Committee on Health and Mental Health, submitted the

following reports:

Mr. President: Your Committee on Health and Mental Health, to which was referred **SB 4**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Health and Mental Health, to which was referred **SB 274**, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 244**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 75**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following report:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 223**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following report:

Mr. President: Your Committee on Transportation, to which was referred **SB 101**, begs leave to report that it has considered the same

and recommends that the bill do pass.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SB 164**, begs leave to report that it has considered the same and recommends that the bill do pass, with Senate Committee Amendments Nos. 1, 2, 3 and 4.

#### SENATE COMMITTEE AMENDMENT NO. 1

Amend Senate Bill No. 164, Page 334, Section 374.075, Line 25 of said page, by striking the word "two" and inserting in lieu thereof the following: "**three**"; and

Further amend said bill and section, page 335, line 3 of said page, by inserting at the end of said line the following: "**The director shall establish a division to be known as the "Division of Insurance Company Regulation", which shall perform the functions of insurance company admissions and financial supervision, in addition to such other functions as may be assigned to it by the director, and a division to be known as the "Division of Insurance Market Regulation", which shall perform the functions of rate and form regulation in addition to such other functions as may be assigned to it by the director.**".

#### SENATE COMMITTEE AMENDMENT NO. 2

Amend Senate Bill No. 164, Page 12, Section 103.008, Line 18 of said page, by inserting immediately after the word "insurance" the following: "**, financial and professional regulation**"; and

Further amend said bill, page 30, section 135.815, line 25 of said page, by inserting immediately after the word "insurance" the following: "**, financial and professional regulation**"; and

Further amend said bill, page 37, section

148.380, line 5 of said page, by inserting immediately after the word “insurance” the following: “, **financial and professional regulation**”; and

Further amend said bill, page 48, section 208.437, line 10 of said page, by inserting immediately after the word “insurance” the following: “, **financial and professional regulation**”; and

Further amend said bill, page 84, section 287.280, line 10 of said page, by inserting immediately after the word “insurance” the following: “, **financial and professional regulation**”; and

Further amend said bill, page 88, section 287.335, line 17 of said page, by inserting immediately after the word “insurance” the following: “, **financial and professional regulation**”; and further amend line 21 of said page, by inserting immediately after the word “insurance” the following: “, **financial and professional regulation**”; and

Further amend said bill and section, page 89, line 2 of said page, by inserting immediately after the word “insurance” the following: “, **financial and professional regulation**”; and

Further amend said bill, page 93, section 287.710, line 21 of said page, by inserting immediately after the word “insurance” the following: “, **financial and professional regulation**”; and

Further amend said bill, page 102, section 287.896, line 16 of said page, by inserting immediately after the word “insurance” the following: “, **financial and professional regulation**”; and

Further amend said bill, page 106, section 287.920, line 6 of said page, by inserting immediately after the word “insurance” the following: “, **financial and professional regulation**”; and

Further amend said bill, page 122, section 303.412, line 14 of said page, by inserting immediately after the word “insurance” the following: “, **financial and professional regulation**”; and

Further amend said bill, page 139, section 324.021, line 27 of said page, by striking the following “317.”; and

Further amend said bill, page 174, section 324.478, line 1 of said page, by striking “324.005” and inserting in lieu thereof the following: “**324.015**”; and

Further amend said bill, page 186, section 329.025, line 11 of said page, by striking “15” and inserting in lieu thereof the following: “**10**”; and

Further amend said bill, page 306, section 354.637, lines 6-14 of said page, by striking all of said section from the bill; and

Further amend said bill, page 333, section 374.070, line 24 of said page, by inserting immediately after the words “examinations of” the following: “**insurance**”; and further amend line 24 of said page, by inserting at the end of said line the word “**insurance**”; and further amend line 25 of said page, by striking “agents, brokers and insurance agencies” and inserting in lieu thereof the following: “**and producers and other persons licensed or with a certificate of authority under this chapter, chapter 354, RSMo, and chapters 375 to 385, RSMo, or of other entities as provided by law**”; and further amend lines 27-28 of said page, by striking the following: “the director may decide otherwise” and inserting in lieu thereof the following: “**provided by law**”; and

Further amend said bill, page 340, section 374.150, line 9 of said page, by striking the word “divisions” and inserting in lieu thereof the following: “**division**”; and

Further amend said bill, page 350, section 374.245, line 18 of said page, by striking the word “insurance” and inserting in lieu thereof the following: “**financial**”; and

Further amend said bill, page 360, section 374.455, line 22 of said page, by inserting immediately after said line the following:

**“374.456. 1.** The director of the department of insurance, **financial and professional regulation** shall personally report to the appropriate committees of the general assembly by March first of each year on the status of all actions initiated, maintained by the director, or which have been concluded, during the preceding year to enforce the provisions [of this act] **listed in subsection 2 of this section**. The director shall answer all questions regarding such actions, or regarding other matters that are related to the provisions [of this act] **listed in subsection 2 of this section**.

**2. The report to the appropriate committees of the general assembly shall cover enforcement actions related to sections 354.400 to 354.636, RSMo, relating to health maintenance organizations, sections 374.500 to 374.515 relating to utilization review agents, and sections 376.1350 to 376.1399, RSMo, relating to all managed care health benefit plans.”** and

Further amend said bill, page 494, section 375.1160, line 25 of said page, by inserting immediately after the word “insurance” the following: **“, financial and professional regulation”**; and

Further amend said bill, page 644, section 376.777, line 27 of said page, by striking the following: “of insurance”; and

Further amend said bill, page 725, section 379.445, line 11 of said page, by inserting immediately after the word “insurance” the following: **“, financial and professional regulation”**; and

Further amend said bill, page 746, section 380.051, lines 20-21 of said page, by striking the following: “of insurance”; and

Further amend said bill, page 767, section 407.020, lines 20-21 of said page, by striking “or company that is under the direction and

supervision of” and inserting in lieu thereof the following: **“, company, or entity that is subject to chartering, licensing, or regulation by”**; and further amend line 22 of said page, by striking the comma “,” and inserting in lieu thereof the following: **“under chapter 354, RSMo, or chapters 374 to 385, RSMo, the”**; and further amend line 23 of said page, by inserting immediately after the word “unions” the following: **“under chapter 370, RSMo”**; and further amend said line, by inserting immediately after the word “finance” the following: **“under chapters 361 to 369, RSMo, or chapter 371, RSMo”**; and further amend line 24 of said page, by striking “the directors of such divisions” and inserting in lieu thereof the following: **“such directors”**; and

Further amend said bill, page 769, section 407.1085, line 28 of said page, by striking all of said line; and

Further amend said bill and section, page 770, line 1 of said page, by striking the following: “division of finance”; and further amend line 2 of said page, by inserting immediately after the word “unions” the following: **“, but shall not mean a person or company that is under the direction and supervision of the director of the division of professional registration or any board assigned thereto”**; and

Further amend the title and enacting clause accordingly.

#### SENATE COMMITTEE AMENDMENT NO. 3

Amend Senate Bill No. 164, Page 135, Section 324.001, Line 3, by striking the word “and” as it appears after the word “engineers” and inserting in lieu thereof the following: **“;”**; and further amend lines 21 to 24 of said page, by striking said lines and inserting in lieu thereof the following: **“therefor. Nothing herein”**; and

Further amend said bill, Page 138, Section 324.015, Line 10, by inserting after the word “amount” the following: **“and guidelines”**;

Further amend said bill, Page 140, Section

324.022, Line 8, by inserting after “delegated in” the following: **“sections 209.270 to 209.339, RSMo, sections 214.270 to 214.516, RSMo, sections 256.010 to 256.453, RSMo, and 317, 324,”**; and

Further amend said bill, Page 141, Section 324.028, Line 12, by striking the word “public”; and further amend line 13 of said page, by striking “326.160” and inserting in lieu thereof the following: **“256.459, RSMo, 324.063, 324.177, 324.203, 324.243, 324.406, and 324.478, RSMo, 326.259, RSMo”**; and further amend line 15 of said page, by inserting after “334.120,” the following: **“334.430, 334.625, 334.717, 334.736, and 334.830,”**; and further amend line 16 of said page, by inserting after “340.120, RSMo,” the following: **“345.080, RSMo,”**; and further amend line 19 of said page, by striking the word “public”; and further amend lines 22 to 27 of said page, by striking said lines and inserting in lieu thereof the following:

**“2. The minutes of each board or council meeting shall be posted on the web page of the respective board or council.”**; and

Further amend said bill, Page 167, Lines 24 to 27 of said page, by striking said lines and inserting in lieu thereof the following:

“(2) [“Department”, the department of economic development;

(3)] “Division”, the division of professional registration [of the department of economic development];”; and further amend said section by renumbering the remaining subdivision accordingly; and

Further amend said bill, Page 178, Section 326.268, Line 4, by inserting an opening bracket “[” immediately before the word “All”; and further amend Line 6 of said page, by inserting a closing bracket “]” after “board.”; and

Further amend said bill, Pages 180 & 181, Section 328.030, by striking said section from the bill; and

Further amend said bill, Page 182, Section 328.050, by striking said section from the bill; and

Further amend said bill, Page 194, Section 332.302, by striking said section from the bill; and

Further amend said bill, Pages 194 and 195, Section 332.306, by striking said section from the bill; and

Further amend said bill, Page 203, Section 334.430, Line 4 of said page, by striking the opening bracket “[” from said line; and further amend lines 5 to 9 of said page, by striking said lines and inserting in lieu thereof the following: “division of professional registration [not to exceed seventy dollars per day for commission business plus actual and necessary expenses. The director of the division of professional registration shall establish by rule the guidelines for payment] **set under section 324.015, RSMo, for each day devoted to the affairs of the board, and shall be entitled to reimbursement of his or her expenses necessarily incurred in the discharge of his official duties”**; and

Further amend said bill, Page 206, Section 334.735, Line 24 of said page, by striking the word “department” as it appears the second time on said line and inserting in lieu thereof the following: **“board”**; and

Further amend said bill, Page 211, Section 334.746, by striking said section from the bill; and

Further amend said bill, Page 332, Section 374.045, Line 3 of said page, by inserting after the word “regulation” the following: **“in this chapter, chapter 354, RSMo, chapters 375 to 385, RSMo, or as otherwise authorized by law.”**; and

Further amend the title and enacting clause accordingly.

#### SENATE COMMITTEE AMENDMENT NO. 4

Amend Senate Bill No. 164, Page 203, Section 334.430, Line 14 of said page, by striking the opening bracket “[” immediately after the word

“duties”; and further amend line 16 of said page, by striking the closing bracket “[” immediately after the word “meeting”; and

Further amend said bill, Page 254, Section 345.080, Line 19 of said page, by striking the opening bracket “[” immediately after the word “duties”; and further amend line 21 of said page, by striking the closing bracket “]” immediately after the word “meeting”; and

Further amend said bill, Page 331, Section 374.045, Line 28 of said page, by striking the following: “chapter 287, RSMo.”; and

Further amend said bill, Page 339, Section 374.130, by striking said section from the bill; and

Further amend said bill, Page 811, Section 329.240, line 13 of said page, by inserting immediately after said line the following:

“[374.130. The director may designate one of the clerks of the insurance department as chief clerk, who shall possess the qualifications of the director, and shall, subject to the director and his deputy, have charge of the clerical and detail work of the department, and the employees thereof. In the absence or inability of both the director and deputy or in case of a vacancy in both of said offices, the chief clerk shall have and exercise the powers of the director. Chief clerk shall serve during the pleasure of the director, and shall perform such other duties as the director may direct.]”; and

Further amend the title and enacting clause accordingly.

#### **SENATE BILLS FOR PERFECTION**

Senator Griesheimer moved that **SB 284**, with SCS, SS for SCS and **SA 7** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 7** was again taken up.

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

Senator Callahan offered **SA 8**:

#### **SENATE AMENDMENT NO. 8**

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Page 28, Section 67.2715, Line 4, by adding immediately after all of said line the following:

**“Section 1. There is hereby established a video service oversight advisory board. The purpose and duties of this board shall be to provide advice to the public service commission regarding implementation of requirements for “PEG” channels and customer service standards in sections 67.2675 to 67.2714. This board shall consist of two representatives of cities with populations in excess of one-hundred-thousand appointed by the governor with advice and consent of the senate, two representatives of cities with populations of one-hundred-thousand or less appointed by the governor with the advice and consent of the senate, one public member appointed by the senate president pro-tem, one public member appointed by the minority leader of the senate, one public member appointed by the speaker of the house, and one public member appointed by the minority leader of the house of representatives. Each member shall serve without compensation but shall be entitled to reasonable travel expenses for the member’s service. The board shall be required to meet at least one time each year. The board shall annually submit to the public service commission and to the general assembly its written advice on policies, suggested regulations and suggested statutory changes to implement sections 67.2675 to 67.2714.”**

And further amend the title and enacting clause accordingly.

Senator Callahan moved that the above amendment be adopted, which motion failed.

Senator Callahan offered **SA 9**, which was read:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Page 23, Section 67.2705, Line 26, by striking the word “state” and inserting in lieu thereof the words “franchise entity”.

Senator Callahan moved that the above amendment be adopted, which motion failed.

President Kinder assumed the Chair.

Senator Griesheimer offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Page 1, Section 67.2675, Line 6 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill, page 1, section 67.2677, line 8 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill and section, page 2, line 6 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and further amend line 13 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill and section, page 5, line 12 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill and section 67.2679, page 7, line 10 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and further amend line 20 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill and section, page 8, line 3 of said page, by striking “67.2715” and

inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill and section, page 10, line 13 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and further amend line 19 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill, page 11, section 67.2681, line 19 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill, page 12, section 67.2689, line 14 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and further amend line 24 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and further amend line 27 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill and section, page 13, line 6 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and further amend line 8 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and further amend line 10 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill, page 16, section 67.2693, line 10 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill, page 23, section 67.2705, line 14 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and further amend line 18 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and further amend line 28 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**”; and

Further amend said bill and section, page 25, line 16 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**"; and further amend line 21 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**"; and

Further amend said bill, page 27, section 67.2711, line 17 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**"; and further amend line 21 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**"; and

Further amend said bill, page 27, section 67.2714, line 24 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**"; and further amend line 26 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**"; and further amend line 27 of said page, by striking “67.2715” and inserting in lieu thereof the following: “**67.2714**".

Senator Griesheimer moved that the above amendment be adopted, which motion prevailed.

Senator Scott assumed the Chair.

Senator Loudon offered SA 11:

#### SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Page 28, Section 67.2715, Line 4 of said page, by inserting immediately after said line the following:

**“386.305. 1. The general assembly finds that the provision of VOIP service free of regulation, regardless of the provider, is in the public interest.”**

**2. The public service commission shall not regulate or otherwise exercise jurisdiction over VOIP service regardless of how the service is classified by the Federal Communications Commission. Any decision of the public service**

**commission inconsistent with this section is hereby preempted and rendered invalid. Such service shall nonetheless be subject to the state's generally applicable business regulation and deceptive trade practices and consumer protection laws, as enforced by the appropriate state authority or through actions in the judicial system. This subsection does not limit the availability to any party of any remedy or defense under state or federal antitrust laws.**

**3. No political subdivision, as such term is defined in section 67.2677, RSMo, may directly or indirectly regulate the terms and conditions, including, but not limited to, the operating systems, qualifications, services, service quality, service territory, and prices, applicable to or in connection with the provision of VOIP service.**

**4. (1) A provider of VOIP service and its officers, directors, employees, vendors, and agents, shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability that any telecommunications company, and its officers, directors, employees, vendors, or agents, have in this state under federal and state law whether through statute, judicial decision, tariffs filed by such local exchange company, or otherwise, including in connection with an act or omission involving the release to a public service answering point, emergency medical service provider or emergency dispatch provider, public safety, fire service or law enforcement official, or hospital emergency or trauma care facility of subscriber information related to emergency calls or emergency services.**

**(2) No political subdivision of Missouri may impose any 911-related fees, taxes, or surcharges on a provider of VOIP service that are not also imposed by such political subdivision on telecommunications companies. Such provider may recover such fees from its end users and identify such fee and its amount**

**as a separate line-item on the end user's bill.**

**(3) No 911-related fees, taxes, or surcharges may be imposed on a provider of VOIP service to the extent that such fees, taxes, or surcharges are imposed on telecommunications companies or other entity that furnishes such provider with connectivity to the public switched telephone network or a public safety answering point.**

**5. For purposes of this section, "VOIP service" means interconnected voice over Internet Protocol service as defined by the Federal Communications Commission in Section 9.3 of Title 47 of the Code of Federal Regulations."; and**

Further amend the title and enacting clause accordingly.

Senator Loudon moved that the above amendment be adopted.

Senator Griesheimer raised the point of order that **SA 11** is out of order as it goes beyond the title and scope of the bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

President Pro Tem Gibbons announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

Senator Griesheimer moved that **SS for SCS for SB 284**, as amended, be adopted, which motion prevailed.

On motion of Senator Griesheimer, **SS for SCS for SB 284**, as amended, was declared perfected and ordered printed.

#### **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 HBs 545 and 590**, entitled:

An Act to repeal sections 338.010 and 338.095, RSMo, and to enact in lieu thereof three new sections relating to pharmacists.

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 39**, entitled:

An Act to repeal section 208.151, RSMo, and to enact in lieu thereof two new sections relating to medical assistance eligibility for certain persons, with an emergency clause and expiration date.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

#### **SECOND READING OF SENATE BILLS**

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

**SB 504**—Agriculture, Conservation, Parks and Natural Resources.

**SB 505**—Judiciary and Civil and Criminal Jurisprudence.

**SB 506**—Financial and Governmental Organizations and Elections.

**SB 507**—Commerce, Energy and the Environment.

**SB 508**—Ways and Means.

**SB 509**—Financial and Governmental Organizations and Elections.

**SB 510**—Financial and Governmental Organizations and Elections.

**SB 511**—Financial and Governmental Organizations and Elections.

**SB 512**—Small Business, Insurance and Industrial Relations.

**SJR 22**—Economic Development, Tourism and Local Government.

## COMMUNICATIONS

Senator Shields submitted the following:

February 14, 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 4-H Caucus.

A list of members is attached.

Sincerely,  
/s/ Charlie  
Charlie Shields

94th General Assembly's Senate 4-H Caucus:

Rep. Brian Munzlinger-1	Rep. Rebecca McClanahan-2
Rep. James Whorton-3	Rep. Jim Guest-5
Rep. Rachel Bringer-6	Rep. John Quinn-7
Rep. Tom Shively-8	Rep. Paul Quinn-9
Rep. Ed Schieffer-11	Rep. Carl Bearden-16
Rep. Steve Hobbs-21	Rep. Joe Aull-26
Rep. Jamilah Nasheed-60	Rep. Connie Johnson-61
Rep. Mike Sutherland-99	Rep. Joseph Fallert-104
Rep. Charles Schlottach-111	Rep. Tom Loehner-112
Rep. Mark Bruns-113	Rep. Rodney Schad-115
Rep. Stanley Cox-118	Rep. Larry Wilson-119

Rep. Mike McGhee-122	Rep. Barney Fisher-125
Rep. Kevin Wilson-130	Rep. Jim Viebrock-134
Rep. Charlie Denison-135	Rep. Sarah Lampe-138
Rep. Bob Dixon-140	Senator Harry Kennedy-1
Senator Jeff Smith-4	Senator Maida Coleman-5
Senator John Loudon-7	Senator Jolie Justus-10
Senator Mike Gibbons-15	Senator Frank Barnitz-16
Senator Luann Ridgeway-17	Senator Wes Shoemyer-18
Senator Chuck Graham-19	Senator Dan Clemens-20
Senator Bill Stouffer-21	Senator Chuck Gross-23
Senator Robert Mayer-25	Senator Delbert Scott-28
Senator Jack Goodman-29	Senator Gary Nodler-32
	Senator Chuck Purgason-33

## INTRODUCTIONS OF GUESTS

Senator Crowell introduced to the Senate, his brother, Head Coach Josh Crowell, Tyler Yeargin, Garrett New and members of the Cape Central High School Wrestling Team, Cape Girardeau.

Senator Shoemyer introduced to the Senate, the Physician of the Day, Dr. David Bowne, M.D., Mexico.

Senator Green introduced to the Senate, Judy Kolb and Kim Shepard, Jefferson City.

Senator Barnitz introduced to the Senate, Sherry Snelson, Cindy Clapp, Judith Cain, Terri Palermo, Scott Grahl, Cathy Allen, Nancy Zamazanuk, Carolyn Peplow, Sherry Hayes and Noah Cohen, members of Leadership Phelps County.

Senator Vogel introduced to the Senate, teachers, parents and eighth grade students from St. Joseph Cathedral School, Jefferson City; and Matt Rundle, A.J. Feather, Matt Murphy and Lindsey Shepard were made honorary pages.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, February 19, 2007.

SENATE CALENDAR

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TWENTY-SIXTH DAY—MONDAY, FEBRUARY 19, 2007

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## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 513-Clemens  
SB 514-Justus and Bray  
SB 515-Justus

SB 516-Goodman  
SB 517-Rupp  
SB 518-Mayer and Crowell

## HOUSE BILLS ON SECOND READING

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

HB 352-Hobbs, et al  
HCS for HBs 545 & 590  
HCS for HB 39

## SENATE BILLS FOR PERFECTION

1. SBs 49, 65, 210 & 251-Engler, et al,  
with SCS
2. SB 287-Crowell and Vogel
3. SB 384-Coleman and Gibbons, with SCS
4. SB 129-Stouffer and Crowell, with SCS
5. SB 30-Nodler and Ridgeway
6. SBs 199 & 207-Stouffer, with SCS
7. SB 22-Griesheimer, with SCS
8. SB 79-Scott
9. SB 315-Clemens
10. SB 4-Gross, with SCS
11. SB 274-Shields
12. SB 244-Mayer
13. SB 75-Coleman, et al, with SCS
14. SB 101-Mayer
15. SB 164-Scott, with SCAs 1, 2, 3 & 4

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

- SB 27-Bartle and Koster  
SB 46-Mayer, et al, with SCS
- SB 107-Wilson  
SB 161-Shields, with SCS

SBs 255, 249 & 279-Loudon, with SCS  
SB 339-Mayer, with SCS

SB 389-Nodler, et al, with SCS & SS#2  
for SCS (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

Reported 2/8

SB 420-Gibbons, et al, with SCS  
SB 211-Goodman  
SB 264-Green  
SB 288-Engler, with SCS  
SB 298-Engler  
SB 322-Engler  
SB 163-Mayer, with SCS  
SB 198-Mayer, with SCS  
SB 127-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

Reported 2/15

SB 8-Kennedy  
SB 275-Ridgeway, with SCS  
SB 156-Engler, with SCS  
SB 159-Engler, with SCS  
SB 272-Scott, with SCS  
SB 132-Rupp  
SB 171-Nodler

SB 269-Scott  
SB 270-Scott  
SB 271-Scott  
SB 158-Engler  
SB 281-Griesheimer  
SB 237-Shields and Justus  
SB 223-Rupp

RESOLUTIONS

Reported from Committee

SCR 5-Shields, with SCS

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Unofficial

Journal

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