

# Journal of the Senate

FIRST REGULAR SESSION

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**THIRTY-FIRST DAY—TUESDAY, FEBRUARY 27, 2007**

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The Senate met pursuant to adjournment.

Senator Griesheimer in the Chair.

Reverend Carl Gauck offered the following prayer:

“I do the very best I know how; the very best I can; and I mean to keep doing it to the end. If the end brings me out all right, what is said against me will not amount to anything...” (Abraham Lincoln)

Merciful God, we are constantly confronted with complex issues and bills that need us to do our very best and make the soundest decisions we can as we are called to decide yea or nay about particular legislation. Help us discern wisely and do that which is right. 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	Lager	Loudon

McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

Absent—Senators—None

Absent with leave—Senators

Koster Mayer—2

Vacancies—None

The Lieutenant Governor was present.

## RESOLUTIONS

Senator Lager offered Senate Resolution No. 477, regarding Cathy Green, which was adopted.

Senator Lager offered Senate Resolution No. 478, regarding Melissa Vollmer, which was adopted.

Senator Lager offered Senate Resolution No. 479, regarding Kalen Prothero, which was adopted.

Senator Lager offered Senate Resolution No. 480, regarding Jenny Hill, which was adopted.

Senator Lager offered Senate Resolution No. 481, regarding the Ninetieth Birthday of Virgil Carr, Savannah, which was adopted.

Senator Lager offered Senate Resolution No. 482, regarding the Eightieth Birthday of Carroll Watson, Savannah, which was adopted.

Senator Smith offered Senate Resolution No. 483, regarding the death of the Honorable John F. Bass, Saint Louis, which was adopted.

### INTRODUCTION OF BILLS

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

**SB 597**—By Scott.

An Act to repeal sections 425.010 and 425.020, RSMo, and to enact in lieu thereof three new sections relating to debt adjusters, with a penalty provision.

**SB 598**—By Engler.

An Act to repeal section 116.080, RSMo, and to enact in lieu thereof one new section relating to petition circulators, with penalty provisions.

**SB 599**—By Engler.

An Act to amend chapter 42, RSMo, by adding thereto three new sections relating to the creation of a military medal of freedom.

**SB 600**—By Ridgeway.

An Act to repeal sections 640.130 and 643.090, RSMo, and to enact in lieu thereof two new sections relating to the authority of the department of natural resources to issue cease and desist orders.

**SB 601**—By Ridgeway.

An Act to amend chapter 319, RSMo, by adding thereto one new section relating to underground storage tanks.

**SB 602**—By Kennedy.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a sales tax exemption for aviation jet fuel consumed on transoceanic flights.

**SB 603**—By Days.

An Act to repeal sections 454.511, 454.390, 454.440, 454.455, 454.460, 454.470, 454.480, 454.496, 454.810, and 511.350, RSMo, and to enact in lieu thereof nine new sections relating to child support enforcement, with penalty provisions.

**SB 604**—By Coleman.

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to services provided during a natural disaster or terrorist attack.

**SB 605**—By Coleman and Gibbons.

An Act to repeal section 94.660, RSMo, and to enact in lieu thereof one new section relating to a public transit sales tax.

**SB 606**—By Loudon.

An Act to repeal sections 287.020, 287.200, and 287.230, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation payments to dependents.

**SB 607**—By Smith.

An Act to repeal sections 105.500, 105.510, 105.520, 105.525, and 105.530, RSMo, and to enact in lieu thereof twenty-eight new sections relating to collective bargaining of public employees, with penalty provisions.

**SB 608**—By Smith.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating solely to the creation of an earned income tax credit.

**SB 609**—By Callahan.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to an income tax exemption for Social Security benefits.

**SB 610**—By Callahan.

An Act to repeal sections 144.030 and 144.062, RSMo, and to enact in lieu thereof two new sections relating to state and local sales and use taxes.

## REFERRALS

President Pro Tem Gibbons referred **SS No. 2** for **SCS** for **SB 161**; **SCS** for **SBs 199** and **207**; and **SCS** for **SB 384** to the Committee on Governmental Accountability and Fiscal Oversight.

## SENATE BILLS FOR PERFECTION

Senator Gross moved that **SB 4**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 4**, entitled:

### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 4

An Act to repeal sections 198.439, 208.437, 208.480, and 338.550, RSMo, and to enact in lieu thereof four new sections relating to the health care provider tax, with an emergency clause and an expiration date for certain sections.

Was taken up.

Senator Gross moved that **SCS** for **SB 4** be adopted.

President Kinder assumed the Chair.

Senator Green offered **SA 1**, which was read:

### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 4, Page 1, Section 198.439, Line 2, by striking the number “2011” and inserting in lieu thereof the following: “**2009**”; and

further amend said bill, page 2, section 208.437, line 30, by striking the number “2011” and inserting in lieu thereof the following: “**2009**”; and

further amend said bill and page section 208.480, line 2, by striking the number “2011” and inserting in lieu thereof the following: “**2009**”; and

further amend said bill and page, section 338.550, line 10 by striking the number “2011” and inserting in lieu thereof the following: “**2009**”; and

further amend said bill, page and section, line 17 by striking the number “2011” and inserting in lieu thereof the following: “**2009**”.

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

Senator Gross moved that **SCS** for **SB 4**, as amended, be adopted, which motion prevailed.

On motion of Senator Gross, **SCS** for **SB 4**, as amended, was declared perfected and ordered printed.

Senator Shields announced that photographers from the Columbia Daily Tribune were given permission to take pictures in the Senate Chamber today.

## REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 79** and **SB 315**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

Senator Scott assumed the Chair.

## SENATE BILLS FOR PERFECTION

Senator Stouffer moved that **SB 129**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Stouffer, **SS** for **SCS** for **SB 129** was withdrawn.

Senator Stouffer offered **SS No. 2** for **SCS** for **SB 129**, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 129

An Act to repeal sections 226.527 and 226.531, RSMo, and to enact in lieu thereof two new sections relating to the regulation of billboards, with penalty provisions.

Senator Stouffer moved that **SS No. 2** for **SCS** for **SB 129** be adopted.

Senator Bray offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 129, Page 10, Section 226.531, Line 5, by inserting after all of said line the following:

“226.580. 1. The following outdoor advertising within six hundred sixty feet of the right-of-way of interstate or primary highways is deemed unlawful and shall be subject to removal:

(1) Signs erected after March 30, 1972, contrary to the provisions of sections 226.500 to 226.600 and signs erected on or after January 1, 1968, but before March 30, 1972, contrary to the sizing, spacing, lighting, or location provisions of sections 226.500 to 226.600 as they appeared in the revised statutes of Missouri 1969; or

(2) Signs for which a permit is not obtained or a biennial inspection fee is more than twelve months past due; or

(3) Signs which are obsolete. Signs shall not be considered obsolete solely because they temporarily do not carry an advertising message; or

(4) Signs that are not in good repair; or

(5) Signs not securely affixed to a substantial structure; or

(6) Signs which attempt or appear to attempt to regulate, warn, or direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal, or device; or

(7) Signs which are erected or maintained

upon trees or painted or drawn upon rocks or other natural features; or

**(8) Signs which do not carry or display an advertising message at the average market rental rate for a period of one hundred twenty days or more.**

2. Signs erected after August 13, 1976, beyond six hundred sixty feet of the right-of-way outside of urban areas, visible from the main traveled way of the interstate or primary system and erected with the purpose of their message being read from such traveled way, except those signs described in subdivisions (1) and (2) of section 226.520 are deemed unlawful and shall be subject to removal.

3. If a sign is deemed to be unlawful for any of the reasons set out in [subsections 1 to 7] **subdivisions (1) to (8) of subsection 1** of this section, the state highways and transportation commission shall give notice either by certified mail or by personal service to the owner or occupant of the land on which advertising believed to be unlawful is located and the owner of the outdoor advertising structure. Such notice shall specify the basis for the alleged unlawfulness, shall specify the remedial action which is required to correct the unlawfulness and shall advise that a failure to take the remedial action within sixty days will result in the sign being removed. Within sixty days after receipt of the notice as to him, the owner of the land or of the structure may remove the sign or may take the remedial action specified or may file an action for administrative review pursuant to the provisions of sections 536.067 to 536.090, RSMo, to review the action of the state highways and transportation commission, or he may proceed under the provisions of section 536.150, RSMo, as if the act of the highways and transportation commission was one not subject to administrative review. Notwithstanding any other provisions of sections 226.500 to 226.600, no outdoor advertising structure erected prior to August 28, 1992, defined as a “structure lawfully in existence” or “lawfully existing”, by subdivision (1), (2) or (3) of subsection 3 of section 226.550, shall be

removed for failure to have a permit until a notice, as provided in this section, has been issued which shall specify failure to obtain a permit or pay a biennial inspection fee as the basis for alleged unlawfulness, and shall advise that failure to take the remedial action of applying for a permit or paying the inspection fee within sixty days will result in the sign being removed. Signs for which biennial inspection fees are delinquent shall not be removed unless the fees are more than twelve months past due and actual notice of the delinquency has been provided to the sign owner. Upon application made within the sixty-day period as provided in this section, and accompanied by the fee prescribed by section 226.550, together with any inspection fees that would have been payable if a permit had been timely issued, the state highways and transportation commission shall issue a one-time permanent permit for such sign. Such signs with respect to which permits are so issued are hereby determined by the state of Missouri to have been lawfully erected within the meaning of “lawfully erected” as that term is used in Title 23, United States Code, Section 131(g), as amended, and shall only be removed upon payment of just compensation, except that the issuance of permits shall not entitle the owners of such signs to compensation for their removal if it is finally determined that such signs are not “lawfully erected” as that term is used in Section 131(g) of Title 23 of the United States Code.

4. If actual notice as provided in this section is given and neither the remedial action specified is taken nor an action for review is filed, or if an action for review is filed and is finally adjudicated in favor of the state highways and transportation commission, the state highways and transportation commission shall have authority to immediately remove the unlawful outdoor advertising. The owner of the structure shall be liable for the costs of such removal. The commission shall incur no liability for causing this removal, except for damage caused by negligence of the commission, its agents or employees.

5. If notice as provided in this section is given

and an action for review is filed under the provisions of section 536.150, RSMo, or if administrative review pursuant to the provisions of sections 536.067 to 536.090, RSMo, is filed and the state highways and transportation commission enters its final decision and order to remove the outdoor advertising structure, the advertising message contained on the structure shall be removed or concealed by the owner of the structure, at the owner's expense, until the action for judicial review is finally adjudicated. If the owner of the structure refuses or fails to remove or conceal the advertising message, the commission may remove or conceal the advertising message and the owner of the structure shall be liable for the costs of such removal or concealment. The commission shall incur no liability for causing the removal or concealment of the advertising message while an action for review is pending, except if the owner finally prevails in its action for judicial review, the commission will compensate the owner at the rate the owner is actually receiving income from the advertiser pursuant to written lease from the time the message is removed until the judicial review is final.

6. Any signs advertising tourist-oriented type business will be the last to be removed.

7. Any signs prohibited by section 226.527 which were lawfully erected prior to August 13, 1976, shall be removed pursuant to section 226.570.

8. The transportation department shall reimburse to the lawful owners of any said nonconforming signs that are now in existence as defined in sections 226.540, 226.550, 226.580 and 226.585, said compensation calculated and/or based on a fair market value and not mere replacement cost.

**9. Beginning January 1, 2008, every person, organization, or entity that is issued or has been issued a permit to erect an outdoor advertising structure under section 226.550 shall submit to the state highways and transportation commission, on a form prescribed by the**

commission, the amount of monthly rental that is received for each outdoor advertising structure the person, organization, or entity has received a permit. The form shall also require the square footage of the structure. The forms shall be submitted on a monthly basis unless such outdoor advertising structures have been leased for an annual basis. In such case, the commission shall convert the data submitted into a monthly basis. Based upon the data received by the commission, the commission shall calculate the average monthly market rental rate for outdoor advertising for each county in the state. No later than December 1, 2008, the commission shall furnish the average monthly market rental rate for each county to the secretary of state, who shall publish such value in the Missouri Register as soon after each January first as soon as practicable. The calculation and publication required by this subsection shall be conducted annually. Based upon the calculation performed under this subsection, the commission shall, as prescribed under subdivision (8) of subsection 1 of this section, remove those outdoor advertising structures that have not received a monthly rental rate at or above the published average monthly market rental rate for a period of one hundred and twenty days or more. The commission is authorized to promulgate rules and regulations to implement the provisions of this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of

**rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.**

Further amend the title and enacting clause accordingly.

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

Senator Stouffer moved that **SS No. 2** for **SCS** for **SB 129** be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS No. 2** for **SCS** for **SB 129** was declared perfected and ordered printed.

#### MESSAGES FROM THE HOUSE

The following message was 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 **HJR 7**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, relating to English as the official state language.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

#### RECESS

The time of recess having expired, the Senate was called to order by Senator Rupp.

#### SENATE BILLS FOR PERFECTION

At the request of Senator Shields, **SB 274** was placed on the Informal Calendar.

**SB 244** was placed on the Informal Calendar.

**SB 75**, with **SCS**, was placed on the Informal Calendar.

**SB 101** was placed on the Informal Calendar.

Senator Scott moved that **SB 164**, with **SCAs 1, 2, 3 and 4** be taken up for perfection, which motion prevailed.

**SCA 1** was taken up.

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

**SCA 2** was taken up.

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

**SCA 3** was taken up.

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

**SCA 4** was taken up.

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

At the request of Senator Scott, **SB 164**, as amended, was placed on the Informal Calendar.

**SB 197**, with **SCS**, was placed on the Informal Calendar.

Senator Crowell moved that **SB 195** be taken up for perfection, which motion prevailed.

Senator Crowell offered **SS** for **SB 195**, entitled:

SENATE SUBSTITUTE FOR  
SENATE BILL NO. 195

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

Senator Crowell moved that **SS** for **SB 195** be adopted, which motion prevailed.

Senator Griesheimer assumed the Chair.

On motion of Senator Crowell, **SS** for **SB 195** was declared perfected and ordered printed.

Senator Shields moved that **SB 235**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 235**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 235

An Act to repeal sections 36.030, 36.031, 306.161, 306.163, and 650.005, RSMo, and to enact in lieu thereof nine new sections relating to the water patrol.

Was taken up.

Senator Shields moved that **SCS** for **SB 235** be adopted, which motion prevailed.

On motion of Senator Shields, **SCS** for **SB 235** was declared perfected and ordered printed.

Senator Loudon moved that **SB 197**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 197**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 197

An Act to repeal sections 407.1200, 407.1203, 407.1206, 407.1209, 407.1212, 407.1215, 407.1218, 407.1221, 407.1224, 407.1225, and 407.1227, RSMo, and to enact in lieu thereof twenty-two new sections relating to service contracts, with an effective date.

Was taken up.

Senator Loudon moved that **SCS** for **SB 197** be adopted, which motion prevailed.

Senator Ridgeway assumed the Chair.

On motion of Senator Loudon, **SCS** for **SB 197** was declared perfected and ordered printed.

Senator Scott moved that **SB 164**, as amended, be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

Senator Gross offered **SA 1**:

## SENATE AMENDMENT NO. 1

Amend Senate Bill No. 164, Page 25, Section 105.711, Line 5, by inserting immediately after all of said line the following:

**“9. At the end of each biennium, the state treasurer shall transfer the balance in the fund created in subsection 8 of this section in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.”**; and further renumber the remaining subsection accordingly; and

Further amend said bill, Page 42, Section 191.828, Line 17, by inserting after all of said line the following:

“191.831. 1. There is hereby established in the state treasury a “Health Initiatives Fund”, to which shall be deposited all revenues designated for the fund under subsection 8 of section 149.015, RSMo, and subsection 3 of section 149.160, RSMo, and section 167.609, RSMo, and all other funds donated to the fund or otherwise deposited pursuant to law. The state treasurer shall administer the fund. Money in the fund shall be appropriated to provide funding for implementing the new programs and initiatives established by sections 105.711 and 105.721, RSMo. The moneys in the fund may further be used to fund those programs established by sections 191.411, 191.520 and 191.600, sections 208.151 and 208.152, RSMo, and sections 103.178, RSMo, 143.999, RSMo, 167.600 to 167.621, RSMo, 188.230, RSMo, 191.211, 191.231, 191.825 to 191.839, 192.013, RSMo, 208.177, 208.178, 208.179 and 208.181, RSMo, 211.490, RSMo, 285.240, RSMo, 337.093, RSMo, 374.126, RSMo, 376.891 to 376.894, RSMo, 431.064, RSMo, 660.016, 660.017 and 660.018, RSMo; in addition, not less than fifteen percent of the proceeds deposited to the health initiative fund pursuant to sections 149.015 and 149.160, RSMo, shall be appropriated annually to provide funding for the C-STAR substance abuse rehabilitation program of the department of mental health, or its successor

program, and a C-STAR pilot project developed by the director of the division of alcohol and drug abuse and the director of the department of corrections as an alternative to incarceration, as provided in subsections 2, 3, and 4 of this section. Such pilot project shall be known as the “Alt-care” program. In addition, some of the proceeds deposited to the health initiatives fund pursuant to sections 149.015 and 149.160, RSMo, shall be appropriated annually to the division of alcohol and drug abuse of the department of mental health to be used for the administration and oversight of the substance abuse traffic offenders program defined in section 302.010, RSMo, and section 577.001, RSMo. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in the health initiatives fund shall not be transferred at the close of the biennium to the general revenue fund.

2. The director of the division of alcohol and drug abuse and the director of the department of corrections shall develop and administer a pilot project to provide a comprehensive substance abuse treatment and rehabilitation program as an alternative to incarceration, hereinafter referred to as “Alt-care”. Alt-care shall be funded using money provided under subsection 1 of this section through the Missouri Medicaid program, the C-STAR program of the department of mental health, and the division of alcohol and drug abuse's purchase-of-service system. Alt-care shall offer a flexible combination of clinical services and living arrangements individually adapted to each client and her children. Alt-care shall consist of the following components:

- (1) Assessment and treatment planning;
- (2) Community support to provide continuity, monitoring of progress and access to services and resources;
- (3) Counseling from individual to family therapy;
- (4) Day treatment services which include

accessibility seven days per week, transportation to and from the Alt-care program, weekly drug testing, leisure activities, weekly events for families and companions, job and education preparedness training, peer support and self-help and daily living skills; and

(5) Living arrangement options which are permanent, substance-free and conducive to treatment and recovery.

3. Any female who is pregnant or is the custodial parent of a child or children under the age of twelve years, and who has pleaded guilty to or found guilty of violating the provisions of chapter 195, RSMo, and whose controlled substance abuse was a precipitating or contributing factor in the commission of the offense, and who is placed on probation may be required, as a condition of probation, to participate in Alt-care, if space is available in the pilot project area. Determinations of eligibility for the program, placement, and continued participation shall be made by the division of alcohol and drug abuse, in consultation with the department of corrections.

4. The availability of space in Alt-care shall be determined by the director of the division of alcohol and drug abuse in conjunction with the director of the department of corrections. If the sentencing court is advised that there is no space available, the court shall consider other authorized dispositions.

**5. At the end of each biennium, the state treasurer shall transfer the balance in the fund created in subsection 1 of this section in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.”; and**

Further amend said bill, Page 65, Section 256.459, Line 28 of said page, by inserting after all of said line the following:

“256.465. 1. There is hereby created in the state treasury “The Board of Geologist Registration Fund”.

2. The board shall establish, by rule, fees to be charged for applications, examinations, certification and certification renewal. The fees shall be set at an amount which shall not be more than that required to administer sections 256.450 to 256.483. Any balance in the fund at the end of the biennium shall remain in the fund and shall not be subject to the provisions of section 33.080, RSMo.

**3. At the end of each biennium, the state treasurer shall transfer the balance in the fund created in this section in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.”; and**

Further amend page 133, section 324.001, line 13 by inserting immediately after all of said line the following:

**“7. At the end of each biennium, the state treasurer shall transfer the balance in the fund created in subsection 6 of this section in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.”; and further renumber the remaining subsections accordingly; and**

Further amend said bill, page 241, section 337.700, line 17, by inserting after all of said line the following:

“337.712. 1. Applications for licensure as a marital and family therapist shall be in writing, submitted to the division on forms prescribed by the division and furnished to the applicant. The application shall contain the applicant's statements showing the applicant's education, experience and such other information as the division may require. Each application shall contain a statement that it is made under oath or affirmation and that the information contained therein is true and correct to the best knowledge and belief of the applicant, subject to the penalties provided for the making of a false affidavit or declaration. Each application shall be accompanied by the fees required by the division.

2. The division shall mail a renewal notice to the last known address of each licensee prior to the licensure renewal date. Failure to provide the division with the information required for license, or to pay the licensure fee after such notice shall effect a revocation of the license after a period of sixty days from the licensure renewal date. The license shall be restored if, within two years of the licensure date, the applicant provides written application and the payment of the licensure fee and a delinquency fee.

3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued subject to the rules of the division upon payment of a fee.

4. The division shall set the amount of the fees authorized. The fees shall be set at a level to produce revenue which shall not substantially exceed the cost and expense of administering the provisions of sections 337.700 to 337.739. All fees provided for in sections 337.700 to 337.739 shall be collected by the director who shall deposit the same with the state treasurer to a fund to be known as the "Marital and Family Therapists' Fund".

5. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue [until the amount in the fund at the end of the biennium exceeds two times the amount of the appropriations from the marital and family therapists' fund for the preceding fiscal year or, if the division requires by rule renewal less frequently than yearly then three times the appropriation from the fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the marital and family therapists' fund for the preceding fiscal year]. **At the end of each biennium, the state treasurer shall transfer the balance in the fund created in this section in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.**"; and

Further amend page 340, section 374.150, lines 20-23 by striking all of said lines from the bill and inserting in lieu thereof the following: "credit of the general revenue fund. **At the end of each biennium, the state treasurer shall transfer the balance in the fund created in subsection 6 of this section in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.**"; and

Further amend page 341, section 374.155, line 22 by inserting immediately after the word "fund." the following: **At the end of each biennium, the state treasurer shall transfer the balance in the fund created in section in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund.**";

Further amend page 342, section 374.160, line 23 by inserting after all of said line the following:

**"4. At the end of each biennium, the state treasurer shall transfer the balance in the fund created in subsection 3 of this section in excess of two hundred percent of the previous fiscal year's expenditures into the state general revenue fund."**; and further renumber the remaining subsection accordingly; and

Further amend the title and enacting clause accordingly.

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

Senator Rupp assumed the Chair.

On motion of Senator Scott, **SB 164**, as amended, was declared perfected and ordered printed.

## REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were

referred **SS No. 2** for **SCS** for **SB 129** and **SCS** for **SB 4**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### INTRODUCTION OF BILLS

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

**SB 611**—By Goodman.

An Act to repeal sections 178.653, 302.137, 304.027, 304.028, 488.5332, 600.011, 600.042, RSMo, and to enact in lieu thereof nine new sections relating to operations of the state courts.

**SB 612**—By Goodman.

An Act to repeal sections 191.300, 191.317, and 191.331, RSMo, and to enact in lieu thereof three new sections relating to confidential medical test results.

**SRB 613**—By Goodman.

An Act to repeal sections 7.240, 8.835, 21.435, 21.770, 28.085, 28.163, 30.900, 31.010, 32.069, 32.117, 32.379, 32.380, 32.382, 32.384, 33.571, 33.831, 42.160, 44.237, 52.276, 58.755, 72.424, 82.1050, 94.580, 103.081, 105.268, 115.177, 128.350, 128.352, 128.354, 128.356, 128.358, 128.360, 128.362, 128.364, 128.366, 128.345, 128.346, 135.095, 137.423, 138.236, 140.015, 143.122, 143.171, 143.172, 143.1010, 143.1011, 143.1012, 144.014, 144.030, 144.036, 144.041, 144.048, 144.514, 144.749, 152.032, 160.300, 160.302, 160.304, 160.306, 160.308, 160.310, 160.312, 160.314, 160.316, 160.318, 160.320, 160.322, 160.324, 160.326, 160.328, 160.510, 161.205, 161.655, 169.710, 191.938, 192.255, 197.121, 197.305, 197.312, 197.314, 197.318, 197.345, 197.366, 198.014, 198.540, 205.380, 205.390, 205.400, 205.410, 205.420, 205.430, 205.440, 205.450, 205.900, 208.177, 208.307, 208.574, 210.879, 210.930, 215.050, 253.022, 253.561, 260.037, 260.038, 260.826, 263.263, 277.200, 277.201, 277.202, 277.206,

277.209, 277.212, 277.215, 287.490, 292.040, 292.150, 292.170, 292.260, 292.270, 292.550, 302.295, 302.782, 313.301, 311.178, 313.055, 313.300, 319.022, 319.023, 321.121, 339.860, 351.025, 354.065, 375.065, 375.700, 376.530, 376.550, 376.1399, 382.410, 388.650, 391.010, 391.020, 391.030, 391.040, 391.050, 391.060, 391.070, 391.080, 391.090, 391.100, 391.110, 391.120, 391.130, 391.140, 391.150, 391.160, 391.170, 391.180, 391.190, 391.230, 391.240, 391.250, 391.260, 400.9-629, 415.430, 417.066, 442.050, 447.721, 454.808, 454.997, 476.016, 493.050, 516.060, 516.065, 537.040, 600.094, 620.528, 620.1310, 632.484, 643.360, 644.102, and 650.216, RSMo, and to enact in lieu thereof twenty-four new sections for the sole purpose of repealing expired, sunset, terminated, and ineffective provisions of law.

**SB 614**—By Stouffer.

An Act to repeal sections 304.281 and 307.100, RSMo, and to enact in lieu thereof two new sections relating to the operation of motorcycles, with penalty provisions.

### SECOND READING OF CONCURRENT RESOLUTIONS

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

**SCR 20**—Rules, Joint Rules, Resolutions and Ethics.

### REFERRALS

President Pro Tem Gibbons referred **SCR 21** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons re-referred **SB 568** to the Committee on Small Business, Insurance and Industrial Relations.

### RESOLUTIONS

Senator Crowell offered Senate Resolution No. 484, regarding Grace Caroline Ozark,

Perryville, which was adopted.

Senator Vogel offered Senate Resolution No. 485, regarding Brandon Peper, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 486, regarding Colonel Jack Hutchison, Versailles, which was adopted.

Senator Ridgeway offered Senate Resolution No. 487, regarding Jarrett Wilson Muck, which was adopted.

### **INTRODUCTIONS OF GUESTS**

Senator Shields introduced to the Senate, Derek Frieling and six members of the Dead Patriots Society from Lafayette High School, St. Joseph.

On behalf of Senator Mayer, Senator Crowell introduced to the Senate, the Physician of the Day, Dr. Gene Leroux, M.D., Doniphan.

Senator Engler introduced to the Senate, Debbie Lee, Ashley Litton, Brian Burcham, Ryan McFarlin, Jo Beth Zahner and Kieth Mitchell, members of Mineral Area College Student Government, Park Hills.

Senator Scott introduced to the Senate, Associate Dean Laura Taylor and Dana Page, Molly Weston, Kayla Martin, Krystal Reeder, Erin Ahern, Amanda Beyerly, Melodi Wisswell, Christy Butts, Ty Cloud, Chris Rowden and Roy Fields, cheerleaders from State Fair Community College, Sedalia.

Senator Nodler introduced to the Senate,

President Dr. Alan Marble, Dean Dr. Brad Tindle, Dean Dr. Sonya Pierson, students, faculty and staff from Crowder College, Neosho.

Senator Scott introduced to the Senate, Principal Matthew Smith, Tara Carter, Sarah Doll, Carolyn Harms, Bonnie Swisher, and students from Windsor Elementary School; and Katie Eggers, Carly Voss, Nick Riley, Lydia Veach and Jordan Kuehner were made honorary pages.

Senator Ridgeway introduced to the Senate, Gabby Glossip, Kara Silvey and Chelsi Berry, students from Maple Woods College, Kansas City.

Senator Shields introduced to the Senate, ninety-five fourth grade students from Prairie Point Elementary School, Platte County.

Senator Callahan introduced to the Senate, representatives of community colleges from the Eleventh Senatorial District.

Senator Gibbons introduced to the Senate, Dustin Bitikofer, Bess Menousek and Tyler Buchholz, students from Meramec Community College, Webster Groves.

Senator Smith introduced to the Senate, Derek Collins and LaKesha Dean from St. Louis Community College at Forest Park.

On behalf of Senator Engler and himself, Senator Kennedy introduced to the Senate, Paula Weems, Homeschooler from Farmington; and Michelle, Nicole, Patty and Timothy Ferguson; Homeschoolers from St. Louis.

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

### **SENATE CALENDAR**

THIRTY-SECOND DAY—WEDNESDAY, FEBRUARY 28, 2007

### **FORMAL CALENDAR**

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

SB 580-Stouffer	SB 598-Engler
SB 581-Shoemyer, et al	SB 599-Engler
SB 582-Shoemyer	SB 600-Ridgeway
SB 583-McKenna	SB 601-Ridgeway
SB 584-Griesheimer	SB 602-Kennedy
SB 585-Crowell	SB 603-Days
SB 586-Crowell	SB 604-Coleman
SB 587-Bray	SB 605-Coleman and Gibbons
SB 588-Bray	SB 606-Loudon
SB 589-Bray	SB 607-Smith
SB 590-Gibbons	SB 608-Smith
SB 591-Scott and Gibbons	SB 609-Callahan
SB 592-Scott	SB 610-Callahan
SB 593-Scott	SB 611-Goodman
SB 594-Scott	SB 612-Goodman
SB 595-Scott	SRB 613-Goodman
SB 596-Scott	SB 614-Stouffer
SB 597-Scott	

#### HOUSE BILLS ON SECOND READING

HB 353-Schaaf, et al	HCS for HBs 189 & 60
HCS for HB 300	HCS for HBs 444, 217, 225, 239, 243, 297, 402 & 172
HCS for HB 453	HCS for HB 327
HB 454-Jetton, et al	HCS for HJR 1
HB 352-Hobbs, et al	HJR 7-Nieves
HCS for HBs 545 & 590	
HCS for HB 39	

#### THIRD READING OF SENATE BILLS

1. SS for SCS for SBs 255, 249 & 279-Loudon	7. SCS for SB 384-Coleman and Gibbons (In Fiscal Oversight)
2. SS for SCS for SBs 49, 65, 210 & 251-Engler	8. SB 79-Scott
3. SCS for SB 46-Mayer, et al	9. SB 315-Clemens
4. SS#2 for SCS for SB 161-Shields (In Fiscal Oversight)	10. SS#2 for SCS for SB 129-Stouffer
5. SB 30-Nodler and Ridgeway	11. SCS for SB 4-Gross
6. SCS for SBs 199 & 207-Stouffer (In Fiscal Oversight)	

## SENATE BILLS FOR PERFECTION

- |   |  |
|---|--|
| 1. SB 155-Engler, with SCS                  | 10. SB 204-Stouffer, with SCS            |
| 2. SB 169-Rupp, with SCS                    | 11. SB 64-Goodman and Koster, with SCS   |
| 3. SB 430-Shields, et al, with SCS          | 12. SB 456-Gross, with SCS               |
| 4. SB 282-Griesheimer, with SCS             | 13. SB 2-Gibbons, with SCS               |
| 5. SB 21-Griesheimer, with SCS              | 14. SB 3-Gibbons, with SCS               |
| 6. SB 16-Scott, with SCS                    | 15. SB 268-Coleman                       |
| 7. SB 292-Mayer                             | 16. SB 54-Koster, with SCS               |
| 8. SB 300-Bartle                            | 17. SBs 239, 24 & 445-Stouffer, with SCS |
| 9. SBs 62 & 41-Goodman and Koster, with SCS |  |

UNOFFICIAL  
INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

- |                                |  |
|--------------------------------|--|
| SB 22-Griesheimer, with SCS    | SB 244-Mayer   |
| SB 27-Bartle and Koster        | SB 274-Shields   |
| SB 75-Coleman, et al, with SCS | SB 287-Crowell and Vogel                                   |
| SB 101-Mayer                   | SB 389-Nodler, et al, with SCS & SS#2<br>for SCS (pending) |
| SB 107-Wilson                  |  |

## CONSENT CALENDAR

## Senate Bills

## Reported 2/8

- |                        |                           |
|------------------------|---------------------------|
| SB 211-Goodman         | SB 226-Stouffer, with SCS |
| SB 163-Mayer, with SCS | SB 104-Stouffer, with SCS |
| SB 406-Crowell         | SB 103-Stouffer, with SCS |
| SB 130-Stouffer        | SB 102-Stouffer           |
| SB 238-Stouffer        | SB 91-Nodler, with SCS    |
| SB 240-Stouffer        |                           |

## Reported 2/15

- |                         |               |
|-------------------------|---------------|
| SB 8-Kennedy            | SB 132-Rupp   |
| SB 156-Engler, with SCS | SB 171-Nodler |
| SB 159-Engler, with SCS | SB 269-Scott  |
| SB 272-Scott, with SCS  | SB 270-Scott  |

SB 271-Scott  
SB 158-Engler  
SB 281-Griesheimer

SB 237-Shields and Justus  
SB 223-Rupp

Reported 2/22

SB 325-Loudon  
SB 308-Crowell, et al, with SCS  
SB 128-Stouffer  
SB 162-Vogel  
SB 184-Green  
SB 218-Graham  
SB 233-Crowell  
SB 376-Griesheimer  
SB 357-Green, with SCS

SB 397-Stouffer, with SCS  
SB 67-Rupp, with SCS  
SB 257-Engler, et al  
SB 135-Nodler  
SB 236-Shields  
SB 172-Ridgeway  
SB 395-McKenna  
SBs 45 & 39-Mayer, with SCS

RESOLUTIONS

Reported from Committee

SCR 5-Shields, with SCS

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