The Senate met pursuant to adjournment.

President Kinder in the Chair.

President Pro Tem Mayer offered the following prayer:

Gracious Heavenly Father, as we observe Your almighty power, we ask You to be with us and protect us. We know You will watch over us in everything we encounter. Guide our thoughts and actions as we serve the people of this great state. 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
Brown Callahan Chappelle-Nadal Crowell Dempsey Dixon Engler Goodman
Green Justus Keaveny Kehoe Kraus Lager Lembke Mayer
McKenna Munzlinger Nieves Parson Pearce Purgason Schmitt Stouffer
Wasson—25

Absent—Senators—None

Absent with leave—Senators
Cunningham Lamping Richard Ridgeway Rupp Schaaf Schaefer Wright-Jones—8

Vacancies—1

The Lieutenant Governor was present.

INTRODUCTION OF BILLS

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

SB 205—By Stouffer.

An Act to repeal sections 115.275, 115.291, and 115.293, RSMo, and to enact in lieu thereof seven new
sections relating to advance voting.

**SB 206**—By Purgason.

An Act to amend chapter 290, RSMo, by adding thereto one new section relating to labor organizations, with penalty provisions.

**SB 207**—By Lager.

An Act to repeal section 386.850, RSMo, relating to the Missouri energy task force.

**SB 208**—By Lager.

An Act to amend chapter 392, RSMo, by adding thereto one new section relating to telecommunications.

**SB 209**—By Lager.

An Act to repeal section 392.460, RSMo, and to enact in lieu thereof one new section relating to telecommunications.

**SB 210**—By Lembke.

An Act to repeal section 137.073, RSMo, and to enact in lieu thereof one new section relating to property tax levy revisions.

**SB 211**—By Lembke.

An Act to repeal section 537.067, RSMo, and to enact in lieu thereof one new section relating to liability for damages in tort actions.

**SB 212**—By Lembke.

An Act to amend chapter 304, RSMo, by adding thereto one new section relating to the establishment of minimal yellow light change interval times for traffic control devices.

Senator Dempsey announced that photographers from the Jefferson City News Tribune were given permission to take pictures in the Senate Chamber today.

**SENATE BILLS FOR PERFECTION**

Senator McKenna moved that **SB 11**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS for SB 11**, entitled:

**SENATE COMMITTEE SUBSTITUTE FOR**

**SENATE BILL NO. 11**

An Act to repeal section 304.820, RSMo, and to enact in lieu thereof one new section relating to the banning of text messaging while operating a motor vehicle.

Was taken up.

Senator McKenna moved that **SCS for SB 11** be adopted.

Senator Stouffer assumed the Chair.

Senator Lembke offered **SA 1**:
SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 11, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “to the regulation of motor vehicles.”; and

Further amend said bill and page, section A, line 2, by inserting after all of said line the following:

“304.289. The timing of any traffic-control signal shall conform to regulations promulgated by the Department of Transportation. The department of transportation shall establish minimal yellow light change interval times for traffic-control devices. The minimal yellow light change interval time shall be established in accordance with nationally recognized engineering standards set forth in the Manual on Uniform Traffic Control Devices, and any such established time shall not be less than the recognized national standard.”; and

Further amend the title and enacting clause accordingly.

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

Senator Munzlinger offered SA 2:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 11, Page 1, In the Title, Line 3, by striking all of said line and inserting in lieu thereof the following: “to the regulation of motor vehicles.”; and

Further amend said bill and page, section A, line 2, by inserting after all of said line the following:

“304.180. 1. No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term “tandem axle” shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An “axle load” is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

| Distance in feet between the extremes of any group of two or more consecutive axles, measured to the nearest
foot, except where indicated otherwise

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Notwithstanding the above table, two consecutive sets of tandem axles may carry a gross load of thirty-four thousand pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six feet or more.

4. Whenever the state highways and transportation commission finds that any state highway bridge in the state is in such a condition that use of such bridge by vehicles of the weights specified in subsection 3 of this section will endanger the bridge, or the users of the bridge, the commission may establish maximum weight limits and speed limits for vehicles using such bridge. The governing body of any city or county may grant authority by act or ordinance to the state highways and transportation commission to
enact the limitations established in this section on those roadways within the purview of such city or county. Notice of the weight limits and speed limits established by the commission shall be given by posting signs at a conspicuous place at each end of any such bridge.

5. Nothing in this section shall be construed as permitting lawful axle loads, tandem axle loads or gross loads in excess of those permitted under the provisions of Section 127 of Title 23 of the United States Code.

6. Notwithstanding the weight limitations contained in this section, any vehicle or combination of vehicles operating on highways other than the interstate highway system may exceed single axle, tandem axle and gross weight limitations in an amount not to exceed two thousand pounds. However, total gross weight shall not exceed eighty thousand pounds, except as provided in subsection 9 of this section.

7. Notwithstanding any provision of this section to the contrary, the department of transportation shall issue a single-use special permit, or upon request of the owner of the truck or equipment, shall issue an annual permit, for the transporting of any concrete pump truck or well-drillers' equipment. The department of transportation shall set fees for the issuance of permits pursuant to this subsection. Notwithstanding the provisions of section 301.133, concrete pump trucks or well-drillers' equipment may be operated on state-maintained roads and highways at any time on any day.

8. Notwithstanding the provision of this section to the contrary, the maximum gross vehicle limit and axle weight limit for any vehicle or combination of vehicles equipped with an idle reduction technology may be increased by a quantity necessary to compensate for the additional weight of the idle reduction system as provided for in 23 U.S.C. Section 127, as amended. In no case shall the additional weight increase allowed by this subsection be greater than four hundred pounds. Upon request by an appropriate law enforcement officer, the vehicle operator shall provide proof that the idle reduction technology is fully functional at all times and that the gross weight increase is not used for any purpose other than for the use of idle reduction technology.

9. Notwithstanding subsection 3 of this section or any other provision of law to the contrary, the total gross weight of any vehicle or combination of vehicles hauling livestock may be as much as, but shall not exceed, eighty-five thousand five hundred pounds while operating on U.S. Highway 36 from St. Joseph to U.S. Highway 65, and on U.S. Highway 65 from the Iowa state line to U.S. Highway 36.

10. Notwithstanding subsection 3 of this section or any other provision of law to the contrary, for the period between October fifteenth and December fifteenth of each year, any motor vehicle or combination of motor vehicles carrying agricultural products may operate with a load that exceeds the maximum weight load permitted by this chapter by ten percent on any tandem axle, group of axles, and gross weight. If enforcement action is taken pursuant to this section, the fine or penalty shall only apply to that portion of the load that is more than ten percent above the legal limit. The weight tolerance authorized in this subsection shall apply to all highways within the state of Missouri except for the interstate highway system. As used in this subsection, the term “agricultural products” shall have the same meaning ascribed to it in section 274.020.”; and

Further amend the title and enacting clause accordingly.

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

Senator McKenna moved that SCS for SB 11, as amended, be adopted, which motion prevailed.
On motion of Senator McKenna, SCS for SB 11, 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 73 and 47, entitled:

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to illegal drug use of applicants and recipients of temporary assistance for needy families benefits.

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 163, entitled:

An Act to repeal sections 288.062, and 288.330, RSMo, and to enact in lieu thereof two new sections relating to unemployment compensation, with an emergency clause.

Emergency clause adopted.

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 SCR 1.

Concurrent Resolution ordered enrolled.

President Pro Tem Mayer assumed the Chair.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Transportation, to which was referred SB 33, begs leave to report that it has considered the same and recommends that the bill do pass.

Senator Goodman, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred SB 8, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Dempsey, the Senate recessed until 12:00 noon.

RECESS

The time of recess having expired, the Senate was called to order by President Pro Tem Mayer.
Fifteenth Day—Tuesday, February 1, 2011

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Jobs, Economic Development and Local Government, to which was referred SB 18, 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 Jobs, Economic Development and Local Government, to which was referred SB 19, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

On motion of Senator Dempsey, the Senate adjourned until 4:00 p.m., Monday, February 7, 2011.

SENATE CALENDAR

SIXTEENTH DAY–MONDAY, FEBRUARY 7, 2011

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 189-Schmitt
SB 190-Pearce
SB 191-Pearce
SB 192-Pearce
SB 193-Pearce
SB 194-Pearce
SB 195-Stouffer
SB 196-Cunningham
SB 197-Ridgeway
SB 198-Crowell
SB 199-Crowell
SB 200-Crowell

SB 201-Crowell
SB 202-Crowell
SB 203-Schmitt, et al
SB 204-Dempsey, et al
SB 205-Stouffer
SB 206-Purgason
SB 207-Lager
SB 208-Lager
SB 209-Lager
SB 210-Lembke
SB 211-Lembke
SB 212-Lembke

HOUSE BILLS ON SECOND READING

HCS for HB 45
HCS for HBs 73 & 47

HCS for HB 163
SENATE BILLS FOR PERFECTION

SB 33-Stouffer
SB 8-Goodman, with SCS
SB 18-Schmitt, with SCS
SB 19-Schmitt, with SCS

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SR 178-Purgason
SR 179-Purgason