

Journal of the Senate

FIRST REGULAR SESSION

FIFTEENTH DAY—TUESDAY, FEBRUARY 1, 2011

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
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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

Maximum load in pounds

feet	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	34,000	34,000			
More than 8	38,000	42,000			
9	39,000	42,500			
10	40,000	43,500			
11	40,000	44,000			
12	40,000	45,000	50,000		
13	40,000	45,500	50,500		
14	40,000	46,500	51,500		
15	40,000	47,000	52,000		
16	40,000	48,000	52,500	58,000	
17	40,000	48,500	53,500	58,500	
18	40,000	49,500	54,000	59,000	
19	40,000	50,000	54,500	60,000	
20	40,000	51,000	55,500	60,500	66,000
21	40,000	51,500	56,000	61,000	66,500
22	40,000	52,500	56,500	61,500	67,000
23	40,000	53,000	57,500	62,500	68,000
24	40,000	54,000	58,000	63,000	68,500
25	40,000	54,500	58,500	63,500	69,000
26	40,000	55,500	59,500	64,000	69,500
27	40,000	56,000	60,000	65,000	70,000
28	40,000	57,000	60,500	65,500	71,000
29	40,000	57,500	61,500	66,000	71,500
30	40,000	58,500	62,000	66,500	72,000
31	40,000	59,000	62,500	67,500	72,500

32	40,000	60,000	63,500	68,000	73,000
33	40,000	60,000	64,000	68,500	74,000
34	40,000	60,000	64,500	69,000	74,500
35	40,000	60,000	65,500	70,000	75,000
36		60,000	66,000	70,500	75,500
37		60,000	66,500	71,000	76,000
38		60,000	67,500	72,000	77,000
39		60,000	68,000	72,500	77,500
40		60,000	68,500	73,000	78,000
41		60,000	69,500	73,500	78,500
42		60,000	70,000	74,000	79,000
43		60,000	70,500	75,000	80,000
44		60,000	71,500	75,500	80,000
45		60,000	72,000	76,000	80,000
46		60,000	72,500	76,500	80,000
47		60,000	73,500	77,500	80,000
48		60,000	74,000	78,000	80,000
49		60,000	74,500	78,500	80,000
50		60,000	75,500	79,000	80,000
51		60,000	76,000	80,000	80,000
52		60,000	76,500	80,000	80,000
53		60,000	77,500	80,000	80,000
54		60,000	78,000	80,000	80,000
55		60,000	78,500	80,000	80,000
56		60,000	79,500	80,000	80,000
57		60,000	80,000	80,000	80,000

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.

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 201-Crowell
SB 190-Pearce	SB 202-Crowell
SB 191-Pearce	SB 203-Schmitt, et al
SB 192-Pearce	SB 204-Dempsey, et al
SB 193-Pearce	SB 205-Stouffer
SB 194-Pearce	SB 206-Purgason
SB 195-Stouffer	SB 207-Lager
SB 196-Cunningham	SB 208-Lager
SB 197-Ridgeway	SB 209-Lager
SB 198-Crowell	SB 210-Lembke
SB 199-Crowell	SB 211-Lembke
SB 200-Crowell	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

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