

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FIRST DAY—THURSDAY, FEBRUARY 9, 2006

The Senate met pursuant to adjournment.

Stouffer

Vogel

Wheeler

Wilson—32

Senator Scott in the Chair.

Absent—Senators—None

Reverend Carl Gauck offered the following prayer:

Absent with leave—Senator Loudon—1

“For the joy of the Lord is your strength.” (Nehemiah 8:10b)

Vacancies—1

O Lord our God, we know that You have created us to be happy, to know the true joy that comes only from You. Make us a partaker of Your joy as we help to make those You have given us happy. Let us share that joy with those we meet this weekend and give You praise in Your house of prayer. 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

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Mayer	Nodler
Purgason	Ridgeway	Scott	Shields

RESOLUTIONS

Senator Gibbons offered Senate Resolution No. 1984, regarding Christopher Robert Henquinet, Kirkwood, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1985, regarding Diana Lineberger, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1986, regarding Joyce Franklin, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1987, regarding Kimberly White, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1988, regarding Steven Tomey, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1989, regarding Glen Deutsch, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1990, regarding Johnny Mac's Sporting Goods, which was adopted.

Senator Nodler offered Senate Resolution No. 1991, regarding the death of Carol "Sue" Robertson, Joplin, which was adopted.

Senator Green offered Senate Resolution No. 1992, regarding the Fiftieth Anniversary of the Florissant Valley Jaycees, which was adopted.

Senator Goodman offered Senate Resolution No. 1993, regarding Joanna Bellis, Aurora, which was adopted.

Senator Goodman offered Senate Resolution No. 1994, regarding John Cowherd, Mount Vernon, which was adopted.

Senator Goodman offered Senate Resolution No. 1995, regarding the Mount Vernon R-V School District, which was adopted.

Senator Goodman offered Senate Resolution No. 1996, regarding Justin Bennett, Mount Vernon, which was adopted.

Senator Goodman offered Senate Resolution No. 1997, regarding Clara Lewis, Mount Vernon, which was adopted.

Senator Goodman offered Senate Resolution No. 1998, regarding Les Crider, Mount Vernon, which was adopted.

Senator Goodman offered Senate Resolution No. 1999, regarding Jackie Pennington, Mount Vernon, which was adopted.

Senator Goodman offered Senate Resolution No. 2000, regarding Chris Earnest, Mount Vernon, which was adopted.

Senator Klindt offered Senate Resolution No. 2001, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. John Barnes, Bethany, which was adopted.

Senator Klindt offered Senate Resolution No. 2002, regarding Brent Applebury, which was adopted.

Senator Shields offered Senate Resolution No. 2003, regarding Russell E. Utter, Jr., which was adopted.

Senator Shields offered Senate Resolution No. 2004, regarding Zachary Dale Overfelt, which was adopted.

Senator Shields offered Senate Resolution No. 2005, regarding Austin Thomas Jacobs, which was adopted.

Senator Shields offered Senate Resolution No. 2006, regarding Clinton Thomas deMontel, which was adopted.

INTRODUCTION OF BILLS

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

SB 1031—By Klindt.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to natural gas safety penalties, with penalty provisions.

SB 1032—By Cauthorn.

An Act to repeal section 334.735, RSMo, and to enact in lieu thereof one new section relating to physician assistants.

SB 1033—By Kennedy.

An Act to repeal section 86.254, RSMo, and to enact in lieu thereof one new section relating to compensation for special advisors for the police retirement board.

SB 1034—By Green.

An Act to repeal section 337.500, RSMo, and to enact in lieu thereof one new section relating to the licensing of professional counselors.

SB 1035—By Mayer.

An Act to repeal section 409.107, RSMo, and to enact in lieu thereof one new section relating to law firm and investment firm contributions in support of general bond elections.

SB 1036—By Mayer.

An Act to repeal sections 306.010, 306.100, 306.132, and 306.221, RSMo, and to enact in lieu thereof four new sections relating to the regulation of watercraft, with penalty provisions.

SB 1037—By Mayer.

An Act to repeal section 640.100, RSMo, and to enact in lieu thereof one new section relating to the public drinking water primacy fee.

SB 1038—By Mayer.

An Act to repeal section 253.095, RSMo, and to enact in lieu thereof one new section relating to state parks.

SB 1039—By Bray and Scott.

An Act to repeal section 226.030, RSMo, and to enact in lieu thereof one new section relating to eliminating the annual state of the state transportation address.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Klindt, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 559**, 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 Commerce, Energy and the Environment, to which was referred **SB 558**, 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 Cauthorn, 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 820**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Ways and Means, to which was referred **SB 614**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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 746**, 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 Economic Development, Tourism and Local Government, to which was referred **SB 825**, 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 Economic Development, Tourism and Local Government, to which was referred **SB 881**, 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 832**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Champion, Chairman of the Committee on Aging, Families, Mental and Public Health, submitted the following reports:

Mr. President: Your Committee on Aging, Families, Mental and Public Health, to which were referred **SB 575** and **SB 714**, 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 Aging, Families, Mental and Public Health, to which was referred **SB 900**, 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 Aging, Families, Mental and Public Health, to which was referred **SB 765**, 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.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following reports:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 588**, **SB 557**, **SB 579**, **SB 563**, **SB 869**, **SB 619**, **SB 570**, **SB 753**, **SB 764**, **SB 782**, **SB 783** and **SB 890**, 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 the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 584**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 596**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **SB 618**, 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 Nodler, Chairman of the Committee on Education, submitted the following reports:

Mr. President: Your Committee on Education, to which was referred **SB 580**, 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 Education, to which was referred **SB 650**, 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 Education, to which was referred **SB 656**, 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 Education, to which was referred **SB 679**, 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 Education, to which was referred **SB 644**, 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 report:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 666**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

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

Mr. President: Your Committee on Transportation, to which was referred **SB 629**, begs leave to report that it has considered the same and recommends that the bill do pass.

Also,

Mr. President: Your Committee on Transportation, to which was referred **SB 840**, 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 Transportation, to which was referred **SB 908**, 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 Transportation, to which was referred **SB 909**, 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 Scott assumed the Chair.

THIRD READING OF SENATE BILLS

SB 645, introduced by Senator Griesheimer, entitled:

An Act to repeal section 100.710, RSMo, and to enact in lieu thereof one new section relating to the Missouri business use incentive for large-scale development act.

Was taken up.

On motion of Senator Griesheimer, **SB 645** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Green
Griesheimer	Gross	Kennedy	Klindt
Koster	Mayer	Nodler	Purgason
Ridgeway	Scott	Shields	Stouffer
Vogel	Wheeler	Wilson—31	

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators

Graham	Loudon—2
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Vacancies—1

The President declared the bill passed.

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the

table, which motion prevailed.

SCS for SBs 858 and 868 entitled:

**SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 858 and 868**

An Act to amend chapter 191, RSMo, by adding thereto one new section relating to the healthcare technology fund, with an emergency clause.

Was taken up by Senator Shields.

On motion of Senator Shields, **SCS for SBs 858 and 868** was read the 3rd time and passed by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Griesheimer
Gross	Kennedy	Klindt	Koster
Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—30		

NAYS—Senator Green—1

Absent—Senators—None

Absent with leave—Senators

Graham Loudon—2

Vacancies—1

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Griesheimer
Kennedy	Klindt	Koster	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—29			

NAYS—Senator Green—1

Absent—Senator Gross—1

Absent with leave—Senators

Graham Loudon—2

Vacancies—1

On motion of Senator Shields, title to the bill was agreed to.

Senator Shields moved that the vote by which the bill passed be reconsidered.

Senator Crowell moved that motion lay on the table, which motion prevailed.

Senator Griesheimer assumed the Chair.

MESSAGES FROM THE GOVERNOR

The following messages were received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 7, 2006

TO THE SENATE OF THE 93rd GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Emily S. Kiddoo, Rural Route 2 Box 54A, Memphis, Scotland County, Missouri 63555, as student representative of Truman State University Board of Governors, for a term ending December 31, 2007 and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Steven L. Bruce, 502 West 2nd Street, Fair Play, Polk County, Missouri 65649, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2008, and until his successor is duly appointed and qualified; vice, Gary Toelke, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Brian D. Dunlop, 314 West Jackson, Webster Groves, Saint Louis County, Missouri 63119, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2008, and until his successor is duly appointed and qualified; vice, Peter Schloss, resigned.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Sarah R. Murray, Democrat, 1008 West 69th Terrace, Kansas City, Jackson County, Missouri 64113, as a member of the Missouri Women's Council, for a term ending December 6, 2007, and until her successor is duly appointed and qualified; vice, Sarah R. Murray, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

John F. Smith, 2709 Headland Drive, Saint Charles, Saint

Charles County, Missouri 63301, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2010, and until his successor is duly appointed and qualified; vice, James F. Mauze, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Craig Westfall, 4671 Highway H, Half Way, Polk County, Missouri 65663, as a member of the Linked Deposits Review Committee, for a term ending at the pleasure of the Governor, and until his successor is duly appointed and qualified; vice, Craig Westfall, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

David C. Zimmermann, Democrat, 5 River Cover, Crystal City, Jefferson County, Missouri 63019, as a member of the Missouri Commission on Human Rights, for a term ending April 1, 2010, and until his successor is duly appointed and qualified; vice, David Zimmermann, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Francis G. Slack, 1 Manderleigh Estates Court, Frontenac, Saint Louis County, Missouri 63131, as a member of the Board of

Boiler and Pressure Vessel Rules, for a term ending September 27, 2007, and until his successor is duly appointed and qualified; vice Francis G. Slack, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Miller M. Leonard, Republican, 1817 4th Street, Platte City, Platte County, Missouri 64079, as a member of the Public Defender Commission, for a term ending December 30, 2011 and until his successor is duly appointed and qualified; vice, Miller M. Leonard, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Don L. Warner, 601 German Court, Post Office Box 781, Rolla, Phelps County, Missouri 65401, as a member of the Board of Geologist Registration, for a term ending April 11, 2007, and until his successor is duly appointed and qualified; vice, Cynthia Brookshire, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Martin J. Struckhoff, 5920 Highway 94 South, Augusta, Saint Charles County, Missouri 63332, as a member of the Missouri

Board of Examiners for Hearing Instrument Specialists, for a term ending January 11, 2009, and until his successor is duly appointed and qualified; vice, Charlotte Connell, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Philip T. Treacy, 12961 Musket Court, Saint Louis, Saint Louis County, Missouri 63146, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2008, and until his successor is duly appointed and qualified; vice, Tjistske Tubbergen-Maglio, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 31, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Dwight E. Diehl, 19225 Cleveland, Belton, Cass County, Missouri 64012, as a member of the Peace Officer Standards and Training Commission, for a term ending October 3, 2008, and until his successor is duly appointed and qualified; vice, Richard Hill, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
January 31, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Henry T. Herschel, 2070 Honeysuckle Lane, Jefferson City, Cole County, Missouri 65109, as a member of the Missouri State

Public Employees Deferred Compensation Commission, for a term ending November 30, 2007, and until his successor is duly appointed and qualified; vice, Richard Hanson, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Joseph J. Frank, 9933 Hilltop Drive, Sunset Hills, Saint Louis County, Missouri 63128, as a member of the Missouri Veterans' Commission, for a term ending November 2, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Phillip W. McClendon, 6445 Park Circle, Joplin, Jasper County, Missouri 64801, as a member of the State Mental Health Commission, for a term ending June 28, 2008, and until his successor is duly appointed and qualified; vice, Clifford Sargeon, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 7, 2006

TO THE SENATE OF THE 93RD GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Christopher L. Davis, 1430 Hamilton, Saint Louis City, Missouri 63112, as student representative of Southeast Missouri State University Board of Regents, for a term ending December 31,

2007 and until his successor is duly appointed and qualified; vice, India Jeffery, term expired.

Respectfully submitted,
MATT BLUNT

President Pro Tem Gibbons referred the above appointments to the Committee on Gubernatorial Appointments.

REFERRALS

President Pro Tem Gibbons referred **SCR 26** and **SCR 27** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

SENATE BILLS FOR PERFECTION

Senator Nodler moved that **SB 590**, with **SCS, SS** for **SCS, SA 6** and **SA 2** to **SA 6** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SA 2 to **SA 6** was again taken up.

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

SA 6 was again taken up.

Senator Nodler offered **SSA 1** for **SA 6**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 26, Section 174.500, Line 27, by inserting after all of said line, the following:

“Section 1. 1. The coordinating board for higher education shall study the fiscal implications of providing a tax deduction for higher education tuition and fee expenses for those persons earning less than one hundred thousand dollars annually.

2. The coordinating board shall report to the general assembly no later than January 1, 2007, regarding its findings regarding subsection 1 of this section.”; and

Further amend the title and enacting clause accordingly.

Senator Nodler moved that the above substitute amendment be adopted.

Senator Green requested a roll call vote be taken on the adoption of **SSA 1** for **SA 6** and was joined in his request by Senators Barnitz, Callahan, Days and Wilson.

SSA 1 for **SA 6** was adopted by the following vote:

YEAS—Senators

Alter	Bartle	Cauthorn	Engler
Gibbons	Goodman	Griesheimer	Klindt
Koster	Mayer	Nodler	Purgason
Scott	Shields	Stouffer	Vogel—16

NAYS—Senators

Barnitz	Bray	Callahan	Champion
Coleman	Crowell	Days	Dougherty
Green	Gross	Kennedy	Ridgeway
Wheeler	Wilson—14		

Absent—Senator Clemens—1

Absent with leave—Senators

Graham Loudon—2

Vacancies—1

Senator Scott assumed the Chair.

Senator Coleman offered **SA 7**:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 26, Section 174.500, Line 27, by inserting immediately after said line the following:

“Section 1. 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:

(1) **“Board”**, the coordinating board for higher education;

(2) **“Books”**, any books required for any course for which tuition was paid by a grant awarded pursuant to this section;

(3) **“Grant”**, the war veteran's survivors grant as established in this section;

(4) **“Institution of postsecondary education”**, any approved Missouri public institution of postsecondary education, as defined in section 173.205;

(5) **“Survivor”**, a child or spouse of a war veteran;

(6) **“Tuition”**, any tuition or incidental fee, or both, charged by an institution of postsecondary education for attendance at the institution by a student as a resident of this state;

(7) **“War veteran”**, a person who served in the military during a time of war and to whom the following criteria shall apply:

(a) The veteran was a Missouri resident when first entering the military service and at the time of death; and

(b) The veteran dies as a result of combat action or the veteran's death was certified by a Veterans' Administration medical authority to be attributable to an illness that was contracted while serving in combat.

2. Within the limits of the amounts appropriated therefor, the coordinating board for higher education shall award annually up to twenty-five grants to survivors of war veterans to attend institutions of postsecondary education in this state, which shall continue to be awarded annually to eligible recipients as long as certain standards of academic performance, as determined by the coordinating board for higher education, continue to be achieved. If the waiting list of eligible survivors exceeds fifty, the coordinating board may petition the general assembly to expand the quota. If the quota is not expanded, then the eligibility of survivors on the waiting list shall be extended.

3. A survivor may receive a grant pursuant

to this section only so long as the survivor is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. In no event shall a survivor receive a grant beyond the completion of the first baccalaureate degree, regardless of age.

4. The coordinating board for higher education shall:

(1) Promulgate all necessary rules and regulations for the implementation of this section;

(2) Determine minimum standards of academic performance in order for a survivor to remain eligible to receive a grant under this section;

(3) Provide the forms and determine the procedures necessary for a survivor to apply for and receive a grant under this section.

5. 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, 2006, shall be invalid and void.

6. In order to be eligible to receive a grant pursuant to this section, a survivor shall be certified as eligible by the Missouri veterans' commission. In the case of an illness-related death, such certification shall be made upon qualified medical certification by a Veterans' Administration medical authority that the illness was both a direct result of the veteran's combat service and a substantial factor in the

cause of the resulting death of the veteran.

7. A survivor who is enrolled or has been accepted for enrollment as an undergraduate postsecondary student at an approved institution of postsecondary education, and who is selected to receive a grant under this section, shall receive the following:

(1) An amount not to exceed half of the survivor's actual tuition;

(2) An allowance of up to two thousand dollars per semester for room and board; and

(3) The actual cost of books, up to a maximum of five hundred dollars per semester.

8. A survivor who is a recipient of a grant may transfer from one approved public institution of postsecondary education to another without losing his or her entitlement under this section. The board shall make necessary adjustments in the amount of the grant. If a grant recipient at any time withdraws from the institution of postsecondary education so that under the rules and regulations of that institution he or she is entitled to a refund of any tuition, fees, room and board, books, or other charges, the institution shall pay the portion of the refund to which he or she is entitled attributable to the grant for that semester or similar grading period to the board.

9. If a survivor is granted financial assistance under any other student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the eligible survivor.

10. Nothing in this section shall be construed as a promise or guarantee that a person will be admitted to an institution of postsecondary education or to a particular institution of postsecondary education, will be allowed to continue to attend an institution of postsecondary education after having been admitted, or will be graduated from an

institution of postsecondary education.

11. The benefits conferred by this section shall be available to any academically qualified surviving spouse or children of war veterans. Surviving children who are eligible shall be permitted to apply for full benefits conferred by this section until they reach twenty-five years of age.”; and

Further amend the title and enacting clause accordingly.

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

Senator Mayer offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 26, Section 174.500, Line 27, of said page, by inserting after all of said line the following:

“178.870. Any tax imposed on property subject to the taxing power of the junior college district under article X, section 11(a) of the Missouri Constitution without voter approval shall not exceed the annual rate of ten cents on the hundred dollars assessed valuation in districts having one billion [five] **seven** hundred **fifty** million dollars or more assessed valuation; twenty cents on the hundred dollars assessed valuation in districts having [seven hundred fifty million] **one billion** dollars but less than one billion [five] **seven** hundred **fifty** million dollars assessed valuation; thirty cents on the hundred dollars assessed valuation in districts having [five] **seven** hundred **fifty** million dollars but less than [seven hundred fifty million] **one billion** dollars assessed valuation; forty cents on the hundred dollars assessed valuation in districts having less than [five] **seven** hundred **fifty** million dollars assessed valuation; except that, no public junior college district having an assessed valuation in excess of one hundred million and less than two hundred fifty million which is levying an operating levy of thirty cents per one hundred dollars assessed

valuation on September 28, 1975, shall increase such levy above thirty cents per one hundred dollars assessed valuation without voter approval. Tax rates specified in this section that were in effect in 1984 shall not be lowered due to an increase in assessed valuation created by general reassessment; however, the provisions of section 137.073, RSMo, or section 22(a) of article X of the Missouri Constitution are applicable. Districts which operate institutions awarding degrees above the associate degree shall not be affected by the changes provided in this section. Increases of the rate with voter approval shall be made in the manner provided in chapter 164, RSMo, for school districts.”; and

Further amend the title and enacting clause accordingly.

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

Senator Ridgeway offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 1, Section A, Line 5, by inserting after all of said line, the following:

“160.545. 1. There is hereby established within the department of elementary and secondary education the “A+ Schools Program” to be administered by the commissioner of education. The program shall consist of grant awards made to public secondary schools that demonstrate a commitment to ensure that:

- (1) All students be graduated from school;
- (2) All students complete a selection of high school studies that is challenging and for which there are identified learning expectations; and
- (3) All students proceed from high school graduation to a college or postsecondary vocational or technical school or high-wage job with work place skill development opportunities.

2. The state board of education shall promulgate rules and regulations for the approval of grants made under the program to schools that:

(1) Establish measurable districtwide performance standards for the goals of the program outlined in subsection 1 of this section; and

(2) Specify the knowledge, skills and competencies, in measurable terms, that students must demonstrate to successfully complete any individual course offered by the school, and any course of studies which will qualify a student for graduation from the school; and

(3) Do not offer a general track of courses that, upon completion, can lead to a high school diploma; and

(4) Require rigorous coursework with standards of competency in basic academic subjects for students pursuing vocational and technical education as prescribed by rule and regulation of the state board of education; and

(5) Have a partnership plan developed in cooperation and with the advice of local business persons, labor leaders, parents, and representatives of college and postsecondary vocational and technical school representatives, with the plan then approved by the local board of education. The plan shall specify a mechanism to receive information on an annual basis from those who developed the plan in addition to senior citizens, community leaders, and teachers to update the plan in order to best meet the goals of the program as provided in subsection 1 of this section. Further, the plan shall detail the procedures used in the school to identify students that may drop out of school and the intervention services to be used to meet the needs of such students. The plan shall outline counseling and mentoring services provided to students who will enter the work force upon graduation from high school, address apprenticeship and intern programs, and shall contain procedures for the recruitment of volunteers from the community of the school to serve in schools receiving program

grants.

3. By rule and regulation, the state board of education may determine a local school district variable fund match requirement in order for a school or schools in the district to receive a grant under the program. However, no school in any district shall receive a grant under the program unless the district designates a salaried employee to serve as the program coordinator, with the district assuming a minimum of one-half the cost of the salary and other benefits provided to the coordinator. Further, no school in any district shall receive a grant under the program unless the district makes available facilities and services for adult literacy training as specified by rule of the state board of education.

4. For any school that meets the requirements for the approval of the grants authorized by this section and specified in subsection 2 of this section for three successive school years, by August first following the third such school year, the commissioner of education shall present a plan to the superintendent of the school district in which such school is located for the waiver of rules and regulations to promote flexibility in the operations of the school and to enhance and encourage efficiency in the delivery of instructional services in the school. The provisions of other law to the contrary notwithstanding, the plan presented to the superintendent shall provide a summary waiver, with no conditions, for the pupil testing requirements pursuant to section 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the plan shall detail a means for the waiver of requirements otherwise imposed on the school related to the authority of the state board of education to classify school districts pursuant to subdivision (9) of section 161.092, RSMo, and such other rules and regulations as determined by the commissioner of education, except such waivers shall be confined to the school and not other schools in the school district unless such other schools meet the requirements of this subsection. However, any

waiver provided to any school as outlined in this subsection shall be void on June thirtieth of any school year in which the school fails to meet the requirements for the approval of the grants authorized by this section as specified in subsection 2 of this section.

5. For any school year, grants authorized by subsections 1 to 3 of this section shall be funded with the amount appropriated for this program, less those funds necessary to reimburse eligible students pursuant to subsection 6 of this section.

6. **Within the limits established in subsection 8 of this section,** the commissioner of education shall, by rule and regulation of the state board of education and with the advice of the coordinating board for higher education, establish a procedure for the reimbursement of the cost of tuition, books and fees to any [public community college or vocational or technical school] **private vocational or technical school, or any approved public institution or approved private institution, as such terms are defined in Section 173.205, RSMo,** for any student:

(1) Who has attended a public high school in the state for at least three years immediately prior to graduation that meets the requirements of subsection 2 of this section, except that students who are active duty military dependents who, in the school year immediately preceding graduation, meet all other requirements of this subsection and are attending a school that meets the requirements of subsection 2 of this section shall be exempt from the three-year attendance requirement of this subdivision; and

(2) Who has made a good faith effort to first secure all available federal sources of funding that could be applied to the reimbursement described in this subsection; and

(3) Who has earned a minimal grade average while in high school as determined by rule of the state board of education, and other requirements for the reimbursement authorized by this

subsection as determined by rule and regulation of said board.

7. The commissioner of education shall develop a procedure for evaluating the effectiveness of the program described in this section. Such evaluation shall be conducted annually with the results of the evaluation provided to the governor, speaker of the house, and president pro tempore of the senate.

8. The following requirements must be satisfied in order for private vocational or technical schools to obtain reimbursements under subsection 6 of this section:

(1) Such institutions must be members of the north central association and be accredited by the higher learning commission;

(2) Such institutions must be designated as 501(c)(3) not-for-profit organizations under the Internal Revenue Code;

(3) No private vocational or technical school shall receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of that community college; and

(4) The reimbursements provided to private vocational or technical schools shall not violate the provisions of article IX, section 8, or article I, section 7, of the Missouri constitution or the first amendment of the United States constitution.

9. The department of elementary and secondary education shall ensure that no student receives any reimbursement pursuant to this section if the student or the student's parents had a combined Missouri adjusted gross income in excess of two hundred fifty thousand dollars during the previous tax year.”; and

Further amend the title and enacting clause accordingly.

Senator Ridgeway moved that the above amendment be adopted.

Senator Champion offered **SA 1 to SA 9**, which was read:

**SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 9**

Amend Senate Amendment No. 9 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 4, Section 160.545, by striking all of the underlined language and all of the brackets on said page; and further amend said bill, pages 5 and 6, by striking subsection 8 from said pages, and renumber the remaining subsection accordingly.

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

SA 9, as amended, was again taken up.

Senator Ridgeway requested a roll call vote be taken on the above amendment. She was joined in her request by Senators Callahan, Gross, Shields and Wheeler.

Senator Shields offered **SA 2 to SA 9**, which was read:

**SENATE AMENDMENT NO. 2 TO
SENATE AMENDMENT NO. 9**

Amend Senate Amendment No. 9 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 590, Page 6, Section 160.545, Line 4, by inserting the word "**independent**" after the first "the" and inserting the word "**dependent**" after the second "the".

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

SA 9, as amended, was adopted by the following vote:

YEAS—Senators

Alter	Bartle	Bray	Champion
Clemens	Coleman	Days	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Kennedy	Klindt	Koster
Mayer	Nodler	Purgason	Ridgeway

Scott	Shields	Stouffer	Vogel
Wheeler	Wilson—26		

NAYS—Senators

Barnitz	Callahan	Cauthorn	Dougherty—4
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Absent—Senator Crowell—1

Absent with leave—Senators

Graham	Loudon—2
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Vacancies—1

Senator Nodler moved that **SS** for **SCS** for **SB 590**, as amended, be adopted, which motion prevailed.

On motion of Senator Nodler, **SS** for **SCS** for **SB 590**, as amended, was declared perfected and ordered printed.

RESOLUTIONS

Senator Shields offered the following resolution:

SENATE RESOLUTION NO. 2007

WHEREAS, the Administration Committee is required by law to establish the rates of pay each year, and

WHEREAS, such rates of pay are to be the same as those established under the policies of the Personnel Division of the Office of Administration for comparable duties after examination of the rates of pay then in effect, and

WHEREAS, the rates of pay established shall become effective with the adoption of this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Committee on Administration that the number, classification and rates of pay authorized for employees of the Senate shall include one department director and eight division level directors to be compensated according to Office of Administration guidelines; and the following authorized employees at rates of pay within the ranges hereby established.

NO.	CLASSIFICATION	MONTHLY SALARY RANGE
5	Staff Attorney II	3,151 - 4,654
3	Research Analyst IV	3,151 - 4,654
1	Investigator	2,923 - 4,281
4	Research Staff Secretary	2,437 - 3,463
5	Budget Research Analyst III	3,340 - 4,855
1	Budget Staff Secretary	2,437 - 3,463

3	Assistant Secretary of Senate	2,616 - 3,709
1	Enrolling & Engrossing Supervisor	2,616 - 3,709
2.5	Enrolling & Engrossing Clerk	2,161 - 3,037
1	Billroom Supervisor	2,161 - 3,037
1	Billroom Clerk	1,856 - 2,472
5	Public Information Specialist	2,161 - 3,473
1	Photographer	2,437 - 3,473
1	Administrative Assistant	1,600 - 5,823
1	Telecommunications Coordinator	2,715 - 3,863
2.5	Accounting Specialist	2,437 - 3,463
1	Human Resources Specialist	2,437 - 3,463
1	Office Assistance Supervisor	2,616 - 3,709
5.5	Administrative Secretary	2,616 - 3,709
3.5	Clerical Assistant	2,355 - 3,340
1	Messenger	1,713 - 2,265
3	Computer Info. Technology Spec. I	3,473 - 5,066
2	Computer Info. Technology Spec. II	4,025 - 5,762
1	Computer Info. Technology Spec. III	4,195 - 5,823
3	Computer Info. Technologist II	2,816 - 4,025
1	Network/Communications Specialist	3,473 - 5,066
2	Data Entry Operator III	1,960 - 2,667
1	Composing Equipment Operator III	2,089 - 3,151
0.5	Mailroom Supervisor	2,161 - 3,037
2	Printing Services Technician II	1,856 - 2,472
3	Printing Services Technician III	2,023 - 2,765
1	Maintenance Supervisor	2,273 - 3,151
1	Carpenter II	2,161 - 3,037
1	Maintenance Worker	1,856 - 2,472
0.5	Sergeant at Arms (Elected)	2,337 - 3,373
0.5	Doorkeeper (Elected)	1,451 - 2,172
3.5	Assistant Doorkeeper	1,521 - 1,916
0.5	Reading Clerk	1,521 - 1,916
0.5	Chaplain	857 - 1,133
0.5	Security Guard	1,500 - 2,615

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to establish a formula setting forth the maximum amount which may be expended by each Senator and each caucus for the employment of Administrative and Clerical Assistants. Each Senator plus the President Pro Tem and the Minority Leader on behalf of their caucus will be notified of the funds available, and shall thereafter certify to the Senate Administrator the names and addresses of Administrative and Clerical Assistants. The compensation paid to the Senators' and caucus administrative and clerical assistants shall be within the limits of the categories set forth herein above.

BE IT FURTHER RESOLVED that the Senate Administrator, with the approval of the Senate Administration Committee, shall

have the authority to cooperate and coordinate with the Chief Clerk of the House in the selection of employees, who shall be assigned to the garage, Joint Committee Staffs and the rotunda area, and who will be paid from the Joint House and Senate Contingent Fund, within the limits of the categories set out above.

BE IT FURTHER RESOLVED that the Committee on Administration has the authority to reduce, combine or consolidate positions and salaries where necessary to meet changed conditions or circumstances which arise, and may enter into contracts with consultants, provided such consultant's contract fee does not exceed the salary for the comparable position, and such consultant shall count as an employee of the Senate.

BE IT FURTHER RESOLVED that the Senate Administration Committee is authorized to adjust the foregoing pay ranges in July to reflect implementation of the state pay plan for FY 2007.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

February 7, 2006

The Honorable Michael R. Gibbons
President Pro Tem, Missouri Senate
State Capitol, Room 326
Jefferson City, MO 65101

Dear Senator Gibbons:

Please accept this letter as my official resignation as a member of the Joint Committee on Corrections.

Sincerely,

/s/ Timothy P. Green

Missouri State Senator

District 13

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Michael Lodewegen, Memphis.

Senator Koster introduced to the Senate, Brian Flood, Austin, Texas.

On behalf of Senator Bray and himself, Senator Kennedy introduced to the Senate, Robert and Ruby Davis, St. Louis.

On behalf of Senator Graham, the President introduced to the Senate, Elizabeth Choe, Columbia; and Elizabeth was made an honorary page.

Senator Nodler introduced to the Senate, Maureen Bowyer and Homeschoolers from Jasper and Newton Counties.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, February 13, 2006.

SENATE CALENDAR

TWENTY-SECOND DAY—MONDAY, FEBRUARY 13, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1026-Cauthorn	SB 1033-Kennedy
SB 1027-Mayer	SB 1034-Green
SB 1028-Bartle	SB 1035-Mayer
SB 1029-Coleman	SB 1036-Mayer
SB 1030-Bartle and Koster	SB 1037-Mayer
SB 1031-Klindt	SB 1038-Mayer
SB 1032-Cauthorn	SB 1039-Bray and Scott

SENATE BILLS FOR PERFECTION

- | | |
|---|--------------------------------|
| 1. SB 583-Griesheimer and Alter, with SCS | 7. SB 584-Champion |
| 2. SB 820-Koster, with SCS | 8. SB 596-Days |
| 3. SB 614-Stouffer & Goodman, with SCS | 9. SB 644-Shields |
| 4. SB 832-Griesheimer, with SCS | 10. SB 666-Engler,
with SCS |
| 5. SBs 575 & 714-Scott, et al, with SCS | 11. SB 629-Gross |
| 6. SBs 588, 557, 579, 563, 869, 619, 570,
753, 764, 782, 783 & 890-Bartle and
Scott, with SCS | |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 689-Scott	SB 849-Mayer, et al
SB 690-Champion, with SCS	SJR 26-Ridgeway and Graham
SB 773-Cauthorn and Barnitz, with SCS	

CONSENT CALENDAR

Senate Bills

Reported 2/2

SB 749-Engler, with SCS
 SB 747-Klindt, with SCS
 SB 641-Scott
 SB 818-Scott
 SB 819-Scott
 SB 828-Scott
 SB 678-Gross

SB 630-Gross, with SCS
 SB 805-Gross
 SB 612-Engler
 SB 712-Scott
 SB 802-Shields, with SCS
 SB 648-Champion
 SB 677-Gross

Reported 2/9

SB 559-Gibbons
 SB 558-Gibbons
 SB 746-Klindt, with SCS
 SB 825-Koster, et al, with SCS
 SB 881-Engler
 SB 900-Shields
 SB 765-Dougherty, with SCS
 SB 618-Koster

SB 580-Shields, with SCS
 SB 650-Champion, with SCS
 SB 656-Nodler
 SB 679-Gross
 SB 840-Stouffer
 SB 908-Stouffer
 SB 909-Stouffer

RESOLUTIONS

SR 2007-Shields

Reported from Committee

SCR 25-Cauthorn, with SCS

SCR 24-Scott, with SCS

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