

Journal of the Senate

SECOND REGULAR SESSION

TWENTY-FOURTH DAY—WEDNESDAY, FEBRUARY 15, 2006

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord has heard my supplication: the Lord accepts my prayer.” (Psalm 6:9)

Gracious Lord, help us to remember that You are more ready to listen to our prayers than we are to pray. Help us to remember that without regular prayer we are in danger of giving into temptation when a crisis arises in our lives. And help us to know that by daily prayer we are given strength to face each new day and what it will bring to us. 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.

Senator Shields announced that photographers from KRCG-TV had been given permission to take pictures in the Senate Chamber today.

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	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 2054, regarding The Bank of Missouri, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 2055, regarding Jennifer Preston, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 2056, regarding Stanley Muffler Company, East Prairie, which was adopted.

Senator Crowell offered Senate Resolution No. 2057, regarding Lonnie Thurmond, East Prairie, which was adopted.

Senator Crowell offered Senate Resolution No. 2058, regarding Angie Jones, East Prairie, which was adopted.

Senator Alter offered Senate Resolution No. 2059, regarding Tonya West, Pevely, which was adopted.

Senator Goodman offered Senate Resolution No. 2060, regarding Martha Robinson, Mount Vernon, which was adopted.

Senator Champion offered Senate Resolution No. 2061, regarding the late John Thomas Woodruff, which was adopted.

Senator Bray offered Senate Resolution No. 2062, regarding Andy Sides, Clayton, which was adopted.

Senator Bray offered Senate Resolution No. 2063, regarding Joey Mello, Clayton, which was adopted.

Senator Bray offered Senate Resolution No. 2064, regarding Alex Tichel-Veyhl, Richmond Heights, which was adopted.

Senator Stouffer offered Senate Resolution No. 2065, regarding Mr. and Mrs. Justin Whick McBee, which was adopted.

Senator Gross offered Senate Resolution No. 2066, regarding Heritage Alternative School of the Francis Howell School District, Saint Charles, which was adopted.

Senator Gross offered Senate Resolution No. 2067, regarding the St. Charles West High School Marching Warriors, Dance and Drill, and the Jefferson Middle School Eighth Grade, which was adopted.

INTRODUCTION OF BILLS

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

SB 1052—By Nodler.

An Act to amend chapter 319, RSMo, by

adding thereto one new section relating to damage to underground facilities.

SB 1053—By Days.

An Act to repeal sections 660.546, 660.547, 660.549, 660.551, 660.553, 660.555, and 660.557, RSMo, and to enact in lieu thereof six new sections relating to the long-term care partnership act.

SB 1054—By Cauthorn.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the recycling of license plates.

SB 1055—By Cauthorn.

An Act to repeal section 105.935, RSMo, and to enact in lieu thereof one new section relating to overtime for state employees.

SB 1056—By Griesheimer.

An Act to repeal section 67.1545, RSMo, and to enact in lieu thereof one new section relating to community improvement districts.

SB 1057—By Loudon.

An Act to repeal section 430.225, RSMo, and to enact in lieu thereof one new section relating to physical therapists.

SB 1058—By Loudon.

An Act to amend chapter 385, RSMo, by adding thereto thirteen new sections relating to the vehicle protection product act, with penalty provisions and an effective date.

SB 1059—By Kennedy.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to designation of a memorial highway.

SB 1060—By Kennedy, Stouffer and Loudon.

An Act to repeal section 143.1004, RSMo, and to enact in lieu thereof one new section relating to the Missouri military family relief fund.

SB 1061—By Mayer.

An Act to amend chapter 660, RSMo, by adding thereto one new section relating to faith-based organizations.

SB 1062—By Scott.

An Act to amend chapter 491, RSMo, by adding thereto one new section relating to the videotaped depositions of mentally retarded persons.

SB 1063—By Scott.

An Act to amend chapter 660, RSMo, by adding thereto one new section relating to transportation services for the elderly.

REPORTS OF STANDING COMMITTEES

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 **SS** for **SCS** for **SB 590**, begs leave to report that it has considered the same and recommends that the bill do pass.

SENATE BILLS FOR PERFECTION

SB 596 was placed on the Informal Calendar.

At the request of Senator Shields, **SB 644** was placed on the Informal Calendar.

Senator Engler moved that **SB 666**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 666**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 666

An Act to amend chapter 320, RSMo, by adding thereto four new sections relating to volunteer firefighter job protection act.

Was taken up.

Senator Bartle assumed the Chair.

Senator Engler moved that **SCS** for **SB 666** be adopted.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 666, Page 1, In the Title, Line 2, by striking the words “volunteer firefighter job protection act” and inserting in lieu thereof the following: “fire protection”; and

further amend said bill, section A, page 1, line 3 by inserting immediately after all of said line the following:

“320.200. As used in sections 320.200 to [320.270] **320.271**, unless the context requires otherwise, the following terms mean:

(1) “Division”, the division of fire safety created in section 320.202;

(2) “Dwelling unit”, one or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities;

(3) “**Fire department**”, an agency or organization that provides fire suppression and related activities, including but not limited to, fire prevention, rescue, emergency medical services, hazardous material response, or special operation to a population within a fixed and legally recorded geographical area. The term “fire department” shall include any municipal fire department or any fire protection district as defined in section 321.010, or voluntary fire protection association as defined in section 320.300, engaging in this type of activity;

(4) “Fire loss”, loss of or damage to property, or the loss of life or of personal injury, by fire, lightning, or explosion;

[(4)] (5) “Investigator”, the supervising

investigators and investigators appointed under sections 320.200 to 320.270;

[(5)] (6) “Owner”, any person who owns, occupies, or has charge of any property;

[(6)] (7) “Privately occupied dwelling”, a building occupied exclusively for residential purposes and having not more than two dwelling units;

[(7)] (8) “Property”, property of all types, both real and personal, movable and immovable;

[(8)] (9) “State fire marshal”, the state fire marshal selected under the provisions of sections 320.200 to 320.270.

320.271. All fire protection districts, fire departments, and all volunteer fire protection associations as defined in section 320.300 shall **complete and** file with the state fire marshal within sixty days after [August 13, 1988] **January 1, 2006**, and annually thereafter, [the name and address of the fire protection district, fire department, or volunteer fire protection association] **a fire department registration form provided by the state fire marshal. The state fire marshal may issue a fire department identification number to each registered fire protection district, fire department, or volunteer fire protection association based upon such registration. The state fire marshal may conduct periodic reviews of the information provided on each fire department registration form.**

320.300. As used in sections 320.300 to 320.310, the phrase “volunteer fire protection association” means any fire department which is staffed by volunteers and organized for the purpose of combating fires in a specified area. The provisions of sections 320.300 to 320.310 shall apply only to volunteer fire protection associations **that provide fire suppression and related activities, including but not limited to, fire**

prevention, rescue, emergency medical services, hazardous material response, or special operation to a population within a fixed and legally recorded geographical area, either partially or wholly funded by membership or subscriber fees and shall not apply to fire protection districts supported by local tax revenues, or which have contracted with a political subdivision to respond to fires within the area of an association's boundaries.

320.310. All volunteer fire protection associations [may] **shall** identify the association's boundaries and file the same with the county administrative body. **Such boundaries shall not encroach upon nor include any portion of another fire department's, as that term is defined in section 320.200, legally established boundaries.”**; and

Further amend the title and enacting clause accordingly.

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

Senator Engler moved that **SCS** for **SB 666**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **SB 666**, as amended, was declared perfected and ordered printed.

Senator Stouffer moved that **SB 614**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 614**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 614

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to residential treatment agency tax credits.

Was taken up.

Senator Stouffer moved that **SCS** for **SB 614** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 614, Page 3, Section 135.1142, Line 65, by inserting after all of said line, the following:

“8. In accordance with the provisions of sections 23.250 to 23.298, RSMo:

(1) Any new program authorized under the provisions of this section shall automatically sunset six years after the effective date of this section; and

(2) This section shall terminate on September 1 of the year following the year in which this program is sunset, and the revisor of statutes shall designate such sections and this section in a revision bill for repeal.” and

Further amend the title accordingly.

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

Senator Stouffer moved that **SCS** for **SB 614**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SCS** for **SB 614**, as amended, was declared perfected and ordered printed.

CONCURRENT RESOLUTIONS

Senator Cauthorn moved that **SCR 25**, with **SCS**, be taken up for adoption, which motion prevailed.

SCS for **SCR 25** was taken up.

Senator Cauthorn moved that **SCS** for **SCR 25** be adopted, which motion prevailed.

On motion of Senator Cauthorn, **SCR 25**, as amended by the **SCS**, was adopted by the following vote:

YEAS—Senators

Alter	Barnitz	Bartle	Bray
Callahan	Cauthorn	Champion	Clemens
Coleman	Crowell	Days	Dougherty
Engler	Gibbons	Goodman	Graham
Green	Griesheimer	Gross	Kennedy
Klindt	Koster	Loudon	Mayer
Nodler	Purgason	Ridgeway	Scott
Shields	Stouffer	Vogel	Wheeler
Wilson—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—1

On motion of Senator Shields, the Senate recessed until 4:00 p.m.

RECESS

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

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, after examination of **SB 825**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 656**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 679**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 908**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS for SB 614** and **SCS for SB 666**, 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.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 849**, with **SS, SA 6** and **SA 1 to SA 6** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

At the request of Senator Mayer, **SB 849**, with **SS, SA 6** and **SA 1 to SA 6** (pending), was placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 5:00 p.m.

RECESS

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

RE-REFERRALS

President Pro Tem Gibbons re-referred **SB 1030** to the Committee on Commerce, Energy and the Environment.

RESOLUTIONS

Senator Days offered Senate Resolution No. 2068, regarding B.B. King, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2069, regarding Captain Phillip Goode, O'Fallon, which was adopted.

Senator Griesheimer offered Senate Resolution No. 2070, regarding Reverend Larry Willige, Eureka, which was adopted.

Senator Bray offered Senate Resolution No. 2071, regarding Dr. E. Terrence Jones, University City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Goodman introduced to the Senate, Megan Pittman, Kayla Crider and Jonathan Russell.

Senator Callahan introduced to the Senate, Charles Kellogg, Independence.

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Randall E. Mueller, MD, MSPH and Nancy Windsor, Columbia.

Senator Graham introduced to the Senate, Coach Gary Pinkel and the Missouri Tigers Football Team, Columbia.

Senator Shields introduced to the Senate, T. Rucker, St. Joseph.

Senator Klindt introduced to the Senate, Tyler Luellen, Bethany.

Senator Scott introduced to the Senate, Dena Hubbard, Osceola.

On behalf of Senator Gross and himself, Senator Scott introduced to the Senate, Brandon Larkin, St. Charles.

Senator Gibbons introduced to the Senate, members of the Missouri Chapter of the March of Dimes from across Missouri.

Senator Days introduced to the Senate,

Pearlina Boyd, Nellie Watkins, Malik Hall, Joseph Scoggins and Scott Smith, members of the St. Louis Black Leadership Roundtable.

Senator Purgason introduced to the Senate, Bruce Mitchell and members of Leadership Camden County.

Senator Alter introduced to the Senate, Mayor Harold Dielmann, Dr. Jaime Worthington, Evren Senol, Jerry Lund and Vi Smith, members of the Creve Coeur-Olivette Chamber of Commerce.

Senator Nodler introduced to the Senate, Jeff Stutesman, Crystal and Bob Harrington, Tony and Gary Philpot, Perry Workman, Charlie Kuehn and Sue Daniels, Joplin.

Senator Barnitz introduced to the Senate, Jonathon and Jenny Bertz, Salem.

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

SENATE CALENDAR

TWENTY-FIFTH DAY—THURSDAY, FEBRUARY 16, 2006

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1040-Barnitz	SB 1052-Nodler
SB 1041-Gibbons	SB 1053-Days
SB 1042-Kennedy	SB 1054-Cauthorn
SB 1043-Coleman	SB 1055-Cauthorn
SB 1044-Alter	SB 1056-Griesheimer
SB 1045-Goodman	SB 1057-Loudon
SB 1046-Days	SB 1058-Loudon
SB 1047-Loudon, et al	SB 1059-Kennedy
SB 1048-Shields	SB 1060-Kennedy, et al
SB 1049-Shields	SB 1061-Mayer
SB 1050-Bartle	SB 1062-Scott
SB 1051-Bartle	SB 1063-Scott

THIRD READING OF SENATE BILLS

SS for SCS for SB 590-Nodler	SCS for SB 614-Stouffer & Goodman
SS for SB 584-Champion	SCS for SB 666-Engler
SCS for SBs 575 & 714-Scott, et al	

SENATE BILLS FOR PERFECTION

SB 629-Gross

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 583-Griesheimer and Alter, with SCS
 SBs 588, 557, 579, 563, 869, 619, 570,
 753, 764, 782, 783 & 890-Bartle and
 Scott, with SCS
 SB 596-Days
 SB 644-Shields
 SB 689-Scott

SB 690-Champion, with SCS
 SB 773-Cauthorn and Barnitz, with SCS
 SB 820-Koster, with SCS
 SB 832-Griesheimer, with SCS
 SB 849-Mayer, et al, with SS, SA 6
 & SA 1 to SA 6 (pending)
 SJR 26-Ridgeway and Graham

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 881-Engler
 SB 900-Shields
 SB 765-Dougherty, with SCS

SB 618-Koster
 SB 580-Shields, with SCS
 SB 650-Champion, with SCS
 SB 840-Stouffer
 SB 909-Stouffer

RESOLUTIONS

Reported from Committee

SCR 24-Scott, with SCS

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