

Journal of the Senate

FIRST REGULAR SESSION

SIXTH DAY—THURSDAY, JANUARY 11, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The Lord shall watch over your going out and your coming in, from this time forth forevermore.” (Psalm 121:8)

Caring Father, as we conclude our work this day and head back to be with those You have given us to care for, watch over us and make us alert and mindful of the responsibilities we have as we travel and bring us safely home and grateful for the time we have and the love we share. 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.

Senator Gross assumed the Chair.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bray	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Goodman	Graham	Green

Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

Absent—Senators—None

Absent with leave—Senators

Bartle Gibbons—2

Vacancies—None

The Lieutenant Governor was present.

The Senate observed a moment of silent prayer for William “Ben” Ownby.

RESOLUTIONS

Senator Loudon offered Senate Resolution No. 63, regarding Michael James Schneider, Hazelwood, which was adopted.

Senator Lager offered Senate Resolution No. 64, regarding the One Hundred Fiftieth Birthday of Mound City, which was adopted.

Senator Lager offered Senate Resolution No. 65, regarding Jim Jackson, Ravenwood, which was adopted.

Senator Lager offered Senate Resolution No. 66, regarding The Barn, Brookfield, which was adopted.

Senator Lager offered Senate Resolution No. 67, regarding the Ninetieth Birthday of Olen Plymell, Burlington Junction, which was adopted.

Senator Lager offered Senate Resolution No. 68, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Johnnie Porter, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 69, regarding the Honorable Kay Graves Rosenbohm, which was adopted.

Senator Scott offered the following resolution:

SENATE RESOLUTION NO. 70

BE IT RESOLVED by the Senate of the Ninety-Fourth General Assembly, First Regular Session, that Senate Rule 96 be amended to read as follows:

“Rule 96. 1. Laptop computers may be used by the press at the press table and by research staff at the research table in the Senate Chamber as long as their use does not violate Rule 78 or is otherwise disruptive to the business of the Senate. No person shall take any photograph in the Senate Gallery. Persons with cameras, flash cameras, lights, or other paraphernalia may be allowed to use such devices at committee meetings with the permission of the Chairman as long as they do not prove disruptive to the decorum of the committee. Smoking is not permissible in the Senate Chamber or Gallery, **the Kirchoff Gallery, the Pershing Gallery, the Bingham Gallery**, committee rooms, lounge, the hallways, restrooms or elevators.

2. For the purpose of compliance with the Americans with Disabilities Act, the President Pro Tem may designate a portion of the Senate Chamber as handicap accessible and such areas shall not be considered a part of the floor of the Senate for purposes of section 21.420, RSMo. Persons using such area shall not lobby members of the Senate while going to and from or while using the designated area.”

Senator Shields moved that **SR 57** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **SR 57** was adopted.

CONCURRENT RESOLUTIONS

Senator Lager offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 4

Relating to the recommendations by the Citizen's Commission on Compensation for Elected Officials.

WHEREAS, the voters of Missouri approved a constitutional amendment in 1994 that created a commission charged with setting the amount of compensation paid to statewide elected officials, legislators and judges; and

WHEREAS, prior to the approval of this amendment, the General Assembly had the duty and responsibility of setting salaries; and

WHEREAS, the Missouri Citizen's Commission on Compensation for Elected Officials has recommended that salaries be increased for judges and statewide elected officials by \$1,200 plus 4% beginning on July 1, 2007 and by \$1,200 plus 4% beginning on January 1, 2009 for legislators; and

WHEREAS, the Commission has additionally recommended that judges, statewide elected officials and legislators receive the same increase in salary as the average state worker for the fiscal years beginning in July 2007 and July 2008, provided that legislators shall not receive such increases until January 1, 2009; and

WHEREAS, the Commission has also recommended a one-time payment of \$2,000 for each Associate Circuit Judge on July 1, 2007 to partially compensate for the Circuit Court duties currently being assumed by Associate Circuit Judges throughout the state; and

WHEREAS, the recommended increases would result in a net increase for judges, statewide elected officials and legislators that is far greater than any expected cost-of-living adjustment for state employees in the coming fiscal year; and

WHEREAS, the state has many other priorities for appropriating money in the budget that are far more important than the salary increases recommended by the Commission; and

WHEREAS, the changes recommended by the Missouri Citizen's Commission on Compensation for Elected Officials will take effect on July 1, 2007, unless disapproved by the General

Assembly; and

WHEREAS, the General Assembly may disapprove of the recommendation by a concurrent resolution approved by both the Senate and the House before February 1, 2007:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, First Regular Session, the House of Representatives concurring therein, that the recommendations of the Missouri Citizen's Commission on the Compensation of Elected Officials contained in its report dated November 30, 2006, be disapproved; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare a properly inscribed copy of this resolution for Governor Matt Blunt.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were read the first time and ordered printed:

SB 254—By Nodler, Graham and Champion.

An Act to amend chapter 166, RSMo, by adding thereto one new section relating to the creation of the Missouri legacy fund.

SB 255—By Loudon.

An Act to repeal section 290.505, RSMo, and to enact in lieu thereof one new section relating to overtime compensation, with an emergency clause.

SB 256—By Loudon.

An Act to repeal sections 195.503 and 650.120, RSMo, and to enact in lieu thereof two new sections relating to Internet sex crimes against children, with an emergency clause.

SB 257—By Engler and Crowell.

An Act to amend chapter 44, RSMo, by adding thereto one new section relating to treatment of firearms during emergencies.

SB 258—By Engler.

An Act to repeal section 546.720, RSMo, and to enact in lieu thereof one new section relating to executions, with penalty provisions.

SB 259—By Engler.

An Act to repeal section 339.100, RSMo, and to enact in lieu thereof one new section relating to real estate broker contributions, with penalty provisions.

SB 260—By Koster and Justus.

An Act to amend chapter 208, RSMo, by adding thereto one new section relating to child care subsidies.

SB 261—By Koster.

An Act to repeal sections 217.362 and 559.115, RSMo, and to enact in lieu thereof two new sections relating to prison commitments.

SB 262—By Green.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to cable television service.

SB 263—By Green.

An Act to repeal section 130.050, RSMo, and to enact in lieu thereof one new section relating to campaign finance.

SB 264—By Green.

An Act to repeal section 235.210, RSMo, and to enact in lieu thereof one new section relating to street light maintenance.

SB 265—By Green.

An Act to repeal section 52.240, RSMo, and to enact in lieu thereof one new section relating to imposition of penalties and interest for certain

property tax payments.

SB-266—By Bray, Days, Smith, Justus, Coleman, Wilson, Graham, McKenna and Green.

An Act to repeal sections 213.010, 213.030, 213.040, 213.045, 213.050, 213.055, 213.065, 213.070, and 213.101, RSMo, and to enact in lieu thereof nine new sections relating to human rights.

SB 267—By Bray, McKenna, Graham, Shoemyer, Coleman, Justus, Callahan, Days, Wilson, Barnitz, Kennedy, Green and Smith.

An Act to repeal sections 103.003, 103.005, and 103.036, RSMo, and to enact in lieu thereof three new sections relating to the inclusion of small employers in the state health care plan.

SB 268—By Coleman.

An Act to repeal sections 86.254, 86.330, 86.333, and 86.337, RSMo, and to enact in lieu thereof four new sections relating to police retirement.

SB 269—By Scott.

An Act to repeal sections 44.020 and 44.024, RSMo, and to enact in lieu thereof two new sections relating to the state emergency management agency.

SB 270—By Scott.

An Act to repeal section 590.190, RSMo, and to enact in lieu thereof one new section relating to the POST commission.

SB 271—By Scott.

An Act to repeal section 105.483, RSMo, and to enact in lieu thereof one new section relating to filing financial interest statements.

SB 272—By Scott.

An Act to repeal section 334.625, RSMo, and to enact in lieu thereof one new section relating to the advisory commission for physical therapists.

SJR 11—By Gross.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 2 (b) of article XII of the Constitution of Missouri, and adopting one new section in lieu thereof relating to the votes required for constitutional amendment.

REPORTS OF STANDING COMMITTEES

On behalf of Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, Senator Shields submitted the following reports:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Iris G. Ferguson, Democrat, as a member of the Lincoln University Board of Curators;

Also,

William K. Seibert, Jr., Republican, as a member of the Board of Probation and Parole;

Also,

David T. Broeker, as the Director of the Division of Professional Registration within the Department of Insurance, Financial Institutions, and Professional Registration;

Also,

Deborah E. Scott, as the Director of the

Department of Social Services;

Also,

James F. Keathley, as the Superintendent of the Missouri State Highway Patrol;

Also,

Michael Kilgore, Democrat, as a member of the Missouri Ethics Commission;

Also,

Michael D. McCunniff, D.D.S. and Rebecca R. Steele, as members of the Missouri Area Health Education Centers Council;

Also,

Susan S. Stepleton, as a member of the Coordinating Board for Early Childhood;

Also,

Kelly R. Forck, Democrat, as a member of the Missouri Agricultural and Small Business Development Authority;

Also,

Thomas J. Irwin, Democrat, as a member of the Regional Convention and Sports Complex Authority.

Senator Shields requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Shields moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

COMMUNICATIONS

On behalf of President Pro Tem Gibbons, Senator Shields submitted the following hearing schedule:

**SENATE HEARING SCHEDULE
94th GENERAL ASSEMBLY
FIRST REGULAR SESSION
JANUARY 11, 2007**

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		Appropriations SCR 2 (Gross)	Appropriations SCR 2 (Gross) Transportation SCR 1 (Stouffer)	
8:15 a.m.		Seniors, Families and Public Health SCR 1 (Champion)		
8:30 a.m.			Gubernatorial Appointments SL (Gibbons)	Commerce, Energy and the Environment SL (Engler) Governmental Accountability and Fiscal Oversight SCR 1 (Goodman)
12:30 p.m.	Appropriations SCR 2 (Gross)			
1:00 p.m.		Health and Mental Health SL (Purgason) Small Business, Insurance and Industrial Relations SCR 1 (Loudon)	Pensions, Veterans' Affairs and General Laws SL (Crowell) Rules, Joint Rules, Resolutions and Ethics SCR 1 (Shields)	
2:00 p.m.			Economic Development, Tourism and Local Government SL (Griesheimer) Education SCR 1 (Nodler)	
2:30 p.m.	Financial and Governmental Organizations and Elections SL (Scott) Ways and Means SCR 1 (Vogel)			
3:00 p.m.		Agriculture, Conservation, Parks and Natural Resources SL (Clemens)		
7:00 p.m.	Judiciary and Civil and Criminal Jurisprudence SL (Bartle)			

SL - Senate Lounge SCR 1 - Senate Committee Rm. 1, Room 118

SCR 2 - Senate Committee Rm. 2, Room 119

On behalf of President Pro Tem Gibbons,
Senator Shields submitted the following:

January 10, 2007

Mrs. Terry Spieler
Secretary of the Missouri Senate
State Capitol, Room 325
Jefferson City, MO 65101

RE: Appointment of Joint Committee on Administrative Rules

Dear Terry:

Pursuant to Section 536.037 of the Revised Statutes of Missouri (RSMo 2002), I am reappointing the following senators to the Joint Committee on Administrative Rules:

Senator John Griesheimer

Senator Joan Bray

If you have any questions, please feel free to contact me at your earliest convenience.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

RESOLUTIONS

Senator Nodler offered Senate Resolution No. 71, regarding Marvin VanGilder, Carthage, which was adopted.

Senator Stouffer offered Senate Resolution No. 72, regarding the death of Brian Theodore Smith, which was adopted.

Senator Stouffer offered Senate Resolution No. 73, regarding Thespian Hall, Boonville, which was adopted.

Senator Stouffer offered Senate Resolution No. 74, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Erwin Apprill, which was adopted.

Senator Stouffer offered Senate Resolution No. 75, regarding the Knights of Columbus Council, Lexington, which was adopted.

Senator Ridgeway offered Senate Resolution No. 76, regarding Martin Luther King Day observances at William Jewell College, Liberty, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Graham introduced to the Senate, David Zobez, St. Louis County.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Tuesday, January 16, 2007.

SENATE CALENDAR

SEVENTH DAY--TUESDAY, JANUARY 16, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1-Gibbons
SB 2-Gibbons
SB 3-Gibbons
SB 4-Gross
SB 5-Loudon
SB 6-Loudon

SB 7-Loudon
SB 8-Kennedy
SB 9-Kennedy
SB 10-Kennedy
SB 11-Coleman
SB 12-Coleman

SB 13-Coleman	SB 53-Koster
SB 14-Scott	SB 54-Koster
SB 15-Scott	SB 55-Koster
SB 16-Scott	SB 56-Graham
SB 17-Shields	SB 57-Graham
SB 18-Shields	SB 58-Graham
SB 19-Shields	SB 59-Wilson
SB 20-Griesheimer	SB 60-Wilson
SB 21-Griesheimer	SB 61-Wilson
SB 22-Griesheimer	SB 62-Goodman
SB 23-Champion	SB 63-Goodman
SB 24-Champion	SB 64-Goodman and Koster
SB 25-Champion	SB 65-Rupp
SB 26-Bartle	SB 66-Rupp
SB 27-Bartle and Koster	SB 67-Rupp
SB 28-Bartle	SB 68-Shoemyer
SB 29-Nodler	SB 69-Shoemyer
SB 30-Nodler and Ridgeway	SB 70-Shoemyer
SB 31-Nodler	SB 71-Justus, et al
SB 32-Bray	SB 72-Justus
SB 33-Bray, et al	SB 73-Justus
SB 34-Bray	SB 74-Coleman
SB 35-Days	SB 75-Coleman
SB 36-Days	SB 76-Coleman
SB 37-Days	SB 77-Scott
SB 38-Ridgeway	SB 78-Scott
SB 39-Ridgeway	SB 79-Scott
SB 40-Ridgeway	SB 80-Shields
SB 41-Purgason	SB 81-Griesheimer
SB 42-Purgason	SB 82-Griesheimer
SB 43-Purgason	SB 83-Griesheimer
SB 44-Mayer	SB 84-Champion
SB 45-Mayer	SB 85-Champion and Koster
SB 46-Mayer and Koster	SB 86-Champion
SB 47-Engler	SB 87-Bartle
SB 48-Engler	SB 88-Bartle
SB 49-Engler, et al	SB 89-Bartle
SB 50-Stouffer	SB 90-Nodler
SB 51-Stouffer	SB 91-Nodler
SB 52-Stouffer	SB 92-Nodler

SB 93-Bray	SB 135-Nodler
SB 94-Bray	SB 136-Nodler
SB 95-Bray	SB 137-Bray
SB 96-Days	SB 138-Bray
SB 97-Days	SB 139-Bray
SB 98-Days	SB 140-Rupp
SB 99-Mayer	SB 141-Nodler
SB 100-Mayer	SB 142-Nodler and Days
SB 101-Mayer	SB 143-Nodler
SB 102-Stouffer	SB 144-Bray
SB 103-Stouffer	SB 145-Bray and Days
SB 104-Stouffer	SB 146-Bray
SB 105-Graham	SB 147-Nodler
SB 106-Graham	SB 148-Nodler
SB 107-Wilson	SB 149-Nodler
SB 108-Wilson	SB 150-Mayer
SB 109-Wilson	SB 151-Engler
SB 111-Rupp	SB 152-Engler
SB 112-Rupp	SB 153-Engler
SB 113-Shoemyer	SB 154-Graham
SB 114-Scott	SB 155-Engler
SB 115-Scott	SB 156-Engler
SB 116-Griesheimer	SB 157-Engler
SB 117-Griesheimer	SB 158-Engler
SB 118-Griesheimer	SB 159-Engler
SB 119-Nodler	SB 160-Rupp
SB 120-Nodler	SB 161-Shields
SB 121-Nodler	SB 162-Vogel
SB 122-Bray and Days	SB 163-Mayer
SB 123-Bray	SB 164-Scott
SB 124-Bray	SB 165-Scott
SB 125-Days	SB 166-Griesheimer
SB 126-Days	SB 167-Bartle
SB 127-Mayer	SB 168-Mayer
SB 128-Stouffer	SB 169-Rupp
SB 129-Stouffer	SB 170-Engler
SB 130-Stouffer	SB 171-Nodler
SB 131-Rupp	SB 172-Ridgeway
SB 132-Rupp	SB 173-Ridgeway
SB 133-Rupp	SB 174-Green

SB 175-Green	SB 217-Crowell
SB 176-Green	SB 218-Graham
SB 177-Green	SB 219-Graham
SB 178-Green	SB 220-McKenna
SB 179-Green	SB 221-Callahan
SB 180-Green	SB 222-Gross
SB 181-Green	SB 223-Rupp
SB 182-Green	SB 224-Rupp
SB 183-Green	SB 225-Stouffer
SB 184-Green	SB 226-Stouffer
SB 185-Green	SB 227-Graham
SB 186-Green	SB 228-Graham
SB 187-Green	SB 229-Coleman
SB 188-Green	SB 230-Crowell and Koster
SB 189-Green	SB 231-Crowell
SB 190-Green	SB 232-Crowell
SB 191-Days	SB 233-Crowell
SB 192-Crowell	SB 234-Crowell
SB 193-Griesheimer	SB 235-Shields, et al
SB 194-Crowell	SB 236-Shields
SB 195-Crowell	SB 237-Shields
SB 196-Gross	SB 238-Stouffer
SB 197-Loudon and Graham	SB 239-Stouffer
SB 198-Mayer	SB 240-Stouffer
SB 199-Stouffer	SB 241-Stouffer
SB 200-Stouffer	SB 242-Nodler
SB 202-Stouffer	SB 243-Mayer
SB 203-Lager	SB 244-Mayer
SB 204-Stouffer	SB 245-Goodman
SB 205-Stouffer and Gibbons	SB 246-Goodman
SB 206-Justus	SB 247-Bray
SB 207-Gross	SB 248-Days
SB 209-Griesheimer	SB 249-Gross
SB 210-Crowell	SB 250-Ridgeway and Vogel
SB 211-Goodman	SB 251-Ridgeway
SB 212-Goodman	SB 252-Ridgeway
SB 213-McKenna	SB 253-Ridgeway
SB 214-McKenna	SB 254-Nodler, et al
SB 215-Loudon	SB 255-Loudon
SB 216-Crowell	SB 256-Loudon

SB 257-Engler and Crowell
SB 258-Engler
SB 259-Engler
SB 260-Koster and Justus
SB 261-Koster
SB 262-Green
SB 263-Green
SB 264-Green
SB 265-Green
SB 266-Bray, et al
SB 267-Bray, et al
SB 268-Coleman
SB 269-Scott
SB 270-Scott

SB 271-Scott
SB 272-Scott
SJR 1-Bartle
SJR 2-Bartle and Koster
SJR 3-Bartle
SJR 4-Nodler
SJR 5-Graham
SJR 6-Graham
SJR 7-Graham
SJR 8-Ridgeway
SJR 9-Crowell and Bartle
SJR 10-Bartle and Engler
SJR 11-Gross

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 4-Lager

SR 70-Scott

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