

Journal of the Senate

FIRST REGULAR SESSION

SIXTEENTH DAY—WEDNESDAY, JANUARY 31, 2007

The Senate met pursuant to adjournment.

Senator Crowell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Let your moderation be known unto all men. The Lord is at hand.” (Philippians 4:5)

Gracious Lord, we know that in moderation we are to be gentle and kind and reasonable with that willingness to give and forgive. Let us have a disposition of kindness and sympathetic understanding as we deal with others this day and everyday and practice moderation in all that we do. 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

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
Days	Engler	Gibbons	Goodman
Graham	Green	Griesheimer	Gross
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler

Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Clemens offered Senate Resolution No. 263, regarding Bucks and Spurs Guest Ranch, Ava, which was adopted.

Senator Ridgeway offered Senate Resolution No. 264, regarding Will Gorman, Kansas City, which was adopted.

Senator Crowell offered Senate Resolution No. 265, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Flavian Lappe, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 266, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Thomas Wencewicz, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution

No. 267, regarding the Sixty-seventh Wedding Anniversary of Mr. and Mrs. Clarence Lohmann, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 268, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Charles Swindell, Delta, which was adopted.

Senator Crowell offered Senate Resolution No. 269, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Raymond Roth, Old Appleton, which was adopted.

Senator Rupp offered Senate Resolution No. 270, regarding Megan Fox, Troy, which was adopted.

Senator Mayer offered Senate Resolution No. 271, regarding Carole Gayle, Piedmont, which was adopted.

Senator Mayer offered Senate Resolution No. 272, regarding Jim Ruegg, Piedmont, which was adopted.

Senator Stouffer offered Senate Resolution No. 273, regarding Gary Grote, Marshall, which was adopted.

Senator Stouffer offered Senate Resolution No. 274, regarding Izetta Herndon, Lawson, which was adopted.

Senator Stouffer offered Senate Resolution No. 275, regarding Ron Pannell, Marshall, which was adopted.

Senator Gibbons offered Senate Resolution No. 276, regarding Craig William Hoemann, Fenton, which was adopted.

Senator Days offered Senate Resolution No. 277, regarding The Rev. Dr. James T. Morris, St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 278, regarding Whitney Kinman, Maryville, which was adopted.

Senator Lager offered Senate Resolution No. 279, regarding Kevin Logsdon, Maryville,

which was adopted.

Senator Lager offered Senate Resolution No. 280, regarding the Ninetieth Birthday of Marie Gillespie, Albany, which was adopted.

Senator Lager offered Senate Resolution No. 281, regarding Samantha McClary, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 282, regarding Adam Ussher, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 283, regarding Mike Renouf, Winston, which was adopted.

Senator Lager offered Senate Resolution No. 284, regarding Grace Daniels, Cameron, which was adopted.

Senator Rupp offered Senate Resolution No. 285, regarding Ken Sissom, Troy, which was adopted.

Senator Rupp offered Senate Resolution No. 286, regarding Rachel Yates, Troy, which was adopted.

Senator Mayer offered Senate Resolution No. 287, regarding the Richland R-I School District, which was adopted.

Senator Mayer offered Senate Resolution No. 288, regarding the Dexter R-XI School District, which was adopted.

Senator Mayer offered Senate Resolution No. 289, regarding the Bernie R-XIII School District, which was adopted.

Senator Mayer offered Senate Resolution No. 290, regarding the Bell City R-II School District, which was adopted.

Senator Mayer offered Senate Resolution No. 291, regarding the Advance R-IV School District, which was adopted.

CONCURRENT RESOLUTIONS

Senator Koster offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 10

WHEREAS, there are 45 global or U.S. headquarters and over 120 companies involved in the animal health industry including four of the 10 largest global animal health companies and one of the five largest animal nutrition companies located in Missouri and Kansas; and

WHEREAS, leading veterinary colleges and animal research centers are located in Missouri and Kansas including the University of Missouri College of Veterinary Medicine, the University of Missouri's \$60 million Life Sciences Center and Swine Research Center, the Kansas State University College of Veterinary Medicine, and the Kansas State University's \$54 million Biosecurity Research Institute; and

WHEREAS, Missouri is 7th and Kansas is 2nd in cattle and calf inventory in the United States; and

WHEREAS, there are nationally-recognized publishers within the animal health industry located in Missouri and Kansas; and

WHEREAS, Missouri and Kansas have historical roots in the livestock industry and are home to many prominent national and international associations within the animal health industry; and

WHEREAS, retaining and growing existing animal health companies, attracting new animal health companies, increasing animal health research capacity, and developing commercialization infrastructure will create quality jobs and wealth for the states of Missouri and Kansas:

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, hereby recognize the region from Manhattan, Kansas, to Columbia, Missouri, including the metropolitan Kansas City area and St. Joseph, Missouri, as the "KC Animal Health Corridor"; and

BE IT FURTHER RESOLVED that the Missouri General Assembly recognizes the KC Animal Health Corridor as the national center of the animal health industry based on the unmatched concentration of animal health and nutrition businesses, and educational, and research assets; and

BE IT FURTHER RESOLVED that the Missouri General Assembly resolves to establish a favorable business environment and support animal health research to foster the continued growth of the animal health industry for the benefit of the economy,

universities, businesses, and young people hoping to pursue an animal health career in the KC Animal Health Corridor; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the Governors of Missouri and Kansas.

President Kinder assumed the Chair.

INTRODUCTION OF BILLS

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

SB 409—By Nodler and Scott.

An Act to repeal sections 115.321 and 115.329, RSMo, and to enact in lieu thereof two new sections relating to independent candidates in general elections.

SB 410—By Nodler.

An Act to repeal section 115.247, RSMo, and to enact in lieu thereof one new section relating to election ballots.

SB 411—By Clemens.

An Act to amend chapter 416, RSMo, by adding thereto one new section relating to motor fuels franchise contracts in regard to alternative motor fuels, with penalty provisions.

SB 412—By Griesheimer.

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to the tasting of liquor.

SB 413—By Goodman.

An Act to amend chapters 324 and 640, RSMo, by adding thereto four new sections relating to septage pumps.

SB 414—By Goodman.

An Act to repeal sections 211.021, 211.031, 211.032, 211.033, 211.041, 211.061, 211.071, 211.073, 211.081, 211.091, 211.101, 211.161, 211.181, 211.421, 211.425, and 211.431, RSMo, and to enact in lieu thereof sixteen new sections relating to juvenile courts, with penalty provisions.

SB 415–By Goodman.

An Act to repeal section 565.084, RSMo, and to enact in lieu thereof one new section relating to tampering with a judicial officer.

SB 416–By Goodman.

An Act to repeal section 516.090, RSMo, and to enact in lieu thereof one new section relating to the statute of limitations for actions involving certain lands.

SB 417–By Goodman.

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to the farm mentoring and education fund.

SB 418–By Champion.

An Act to repeal section 208.030, RSMo, and to enact in lieu thereof one new section relating to the supplemental nursing care program.

SB 419–By Kennedy.

An Act to repeal section 247.060, RSMo, and to enact in lieu thereof one new section relating to public water supply districts.

SB 420–By Gibbons, Shields, Callahan, Coleman and Graham.

An Act to repeal section 644.021, RSMo, and to enact in lieu thereof one new section relating to membership on the clean water commission.

SB 421–By Coleman.

An Act to repeal section 142.815, RSMo, and to enact in lieu thereof one new section relating to a tax exemption for motor fuel used for school buses.

SB 422–By Coleman.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to an income tax check-off for the after-school retreat reading and assessment grant program.

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

January 30, 2007

REORGANIZATION PLAN NO. 1**2007**

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 1 of 2007, by Executive Order 07-05, to transfer the Breath Alcohol Program from the Department of Health and Senior Services and assign it, and all of its responsibilities and functions, to the Missouri Department of Transportation. The Breath Alcohol Program will retain all functions and authority as provided by law. The Missouri Department of Transportation shall furnish administrative support and staff as is necessary for the effective operation of the Breath Alcohol Program.

The transfer of the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation will improve efficiencies within state government, as the Department of Transportation's Division of Highway Safety is tasked with administering other programs related to the safety of our roadways and drivers.

Respectfully submitted,

MATT BLUNT

EXECUTIVE ORDER**07-05**

WHEREAS, the Missouri Department of Health and Senior Services is authorized pursuant to Chapter 192, RSMo; and

WHEREAS, the Missouri Department of Transportation is authorized pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 226, RSMo; and

WHEREAS, Chapters 306 and 577, RSMo, require the Missouri Department of Health and Senior Services to license and regulate

the chemical analysis used in determining the alcohol or drug content of motor vehicle and watercraft operators; and

WHEREAS, the Breath Alcohol Program is responsible for performing on-site inspection of breath analyzers, as well as, approving permits to operate and maintain evidential breath analyzers; permits to analyze blood, urine and saliva for drugs; and courses to instruct permit holders in the use of breath analyzer equipment; and

WHEREAS, the Breath Alcohol Program was established to ensure alcohol and drug testing is conducted in a uniform way throughout the state; and

WHEREAS, the Missouri Department of Transportation, Division of Highway Safety, currently supports the two major facilities involved in training and equipping law enforcement on issues related to breath alcohol testing; and

WHEREAS, the work of the Breath Alcohol Program would be strengthened by a move to the Missouri Department of Transportation, where other state initiatives promoting highway safety are located; and

WHEREAS, the Missouri State Government Review Commission recommended this transfer in its November 2005 Report; and

WHEREAS, the transfer of the Breath Alcohol Program would better serve Missouri's citizens by increasing efficiencies and is a component of the Governor's Executive Branch Reorganization Plan of 2007; and

WHEREAS, I am committed to integrating executive branch operations to ensure that the state delivers quality services in the most accessible manner and at the lowest cost to taxpayers.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974, do hereby order the Missouri Department of Health and Senior Services and the Missouri Department of Transportation to cooperate to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation, by Type I transfer, as defined under the Reorganization Act of 1974; and
2. Develop mechanisms and processes necessary to effectively transfer the Breath Alcohol Program to the Missouri Department of Transportation; and
3. Transfer the responsibility for staff support for the Breath Alcohol Program from the Missouri Department

of Health and Senior Services to the Missouri Department of Transportation; and

4. Take the steps necessary to maintain compliance with federal requirements, so as not to jeopardize federal financial participation with this consolidation.

This Order shall become effective no sooner than August 28, 2007, unless disapproved within sixty days of its submission to the First Regular Session of the 94th General Assembly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 30th day of January, 2007.

(Seal)

MATT BLUNT
GOVERNOR

ROBIN CARNAHAN
SECRETARY OF STATE

ATTEST:

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 30, 2007

REORGANIZATION PLAN NO. 2
2007

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 2 of 2007, by Executive Order 07-06, to transfer the collection of surplus lines taxes paid by insurance companies from the Missouri Department of Insurance, Financial Institutions and Professional Registration and assign it, and all of its responsibilities and functions, to the Missouri Department of Revenue. The collection of surplus lines taxes will retain all functions and authority as provided by law. The Missouri Department of Revenue shall furnish administrative support and staff as is necessary for the effective operation of surplus lines tax collection.

The transfer of the collection of surplus lines taxes from the Missouri Department of Insurance, Financial Institutions and Professional Registration to the Missouri Department of Revenue will improve efficiencies within state government, as the Missouri Department of Revenue is already tasked with collecting taxes for

the state.

Respectfully submitted,
MATT BLUNT

EXECUTIVE ORDER

07-06

WHEREAS, the Missouri Department of Insurance, Financial Institutions and Professional Registration is authorized pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 374, RSMo; and

WHEREAS, the Missouri Department of Revenue is authorized pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 32, RSMo; and

WHEREAS, the collection of surplus lines insurance taxes is established in Chapter 384, RSMo, and currently is assigned to the Missouri Department of Insurance, Financial Institutions and Professional Registration; and

WHEREAS, the surplus lines insurance market provides unusual or high-risk insurance unavailable from licensed insurers; and

WHEREAS, surplus lines insurance companies doing business in Missouri pay premium taxes to the Missouri Department of Insurance, Financial Institutions and Professional Registration; and

WHEREAS, administering the premium and surplus lines tax systems is a function of the Missouri Department of Insurance, Financial Institutions and Professional Registration; and

WHEREAS, the Missouri Department of Insurance, Financial Institutions and Professional Registration currently transmits the surplus lines tax remittances received from insurance companies directly to the Missouri Department of Revenue; and

WHEREAS, the Missouri Department of Revenue is already collecting premium taxes remitted by insurance companies; and

WHEREAS, the Missouri Department of Revenue is the state's tax collection agency; and

WHEREAS, the collection of surplus lines insurance taxes would be strengthened by a move to the Missouri Department of Revenue where other state taxes are collected; and

WHEREAS, the Missouri State Government Review Commission recommended this transfer in its November 2005 Report; and

WHEREAS, the transfer of the collection of surplus lines insurance tax function would better serve Missouri's citizens by increasing efficiencies and is a component of the Governor's Executive Branch Reorganization Plan of 2007; and

WHEREAS, I am committed to integrating executive branch operations to ensure that the state delivers quality services in the most accessible manner and at the lowest cost to taxpayers.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974, do hereby order the

Missouri Department of Insurance, Financial Institutions and Professional Registration and the Missouri Department of Revenue to cooperate to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the function of collecting surplus lines taxes from the Missouri Department of Insurance, Financial Institutions and Professional Registration to the Missouri Department of Revenue, by Type I transfer, as defined under the Reorganization Act of 1974; and
2. Develop mechanisms and processes necessary to effectively transfer the function of collecting surplus lines taxes to the Missouri Department of Revenue; and
3. Transfer the responsibility for staff support for the function of collecting surplus lines taxes from the Missouri Department of Insurance, Financial Institutions and Professional Registration to the Missouri Department of Revenue.

This Order shall become effective no sooner than August 28, 2007, unless disapproved within sixty days of its submission to the First Regular Session of the 94th General Assembly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 30th day of January, 2007.

(Seal)

MATT BLUNT
GOVERNOR

ROBIN CARNAHAN
SECRETARY OF STATE

ATTEST:

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 30, 2007

REORGANIZATION PLAN NO. 3

2007

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 3 of 2007, by

Executive Order 07-07, to transfer the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations and assign it, and all of its responsibilities and functions, to the Missouri Department of Public Safety. The Crime Victims' Compensation Fund will retain all functions and authority as provided by law. The Missouri Department of Public Safety shall furnish administrative support and staff as is necessary for the effective operation of the Crime Victims' Compensation Fund.

The transfer of the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations to the Missouri Department of Public Safety will improve efficiencies within state government, as the Missouri Department of Public Safety is tasked with administering other state programs related to providing services to victims of crime.

Respectfully submitted,

MATT BLUNT

EXECUTIVE ORDER

07-07

WHEREAS, the Missouri Department of Labor and Industrial Relations is authorized pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 286, RSMo; and

WHEREAS, the Missouri Department of Public Safety is authorized pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 650, RSMo; and

WHEREAS, the Crime Victims' Compensation Fund is established in Section 595.045, RSMo, and is currently administered by the Missouri Department of Labor and Industrial Relations, Division of Workers' Compensation; and

WHEREAS, the Crime Victims' Compensation Fund was established in 1981 to assist victims of violent crimes through a period of financial hardship; and

WHEREAS, the Crime Victims' Compensation Fund is supported by a surcharge assessed in criminal court proceedings filed in Missouri courts; and

WHEREAS, the Office for Victims of Crime was established in the Missouri Department of Public Safety in 2001 to coordinate and promote the state's programs for victims of crime, coordinate efforts with stateside coalitions involved in providing assistance to victims of crime, administer the statewide victim notification system, and serve as a clearinghouse for victim complaints; and

WHEREAS, the work of the Crime Victims' Compensation program would be strengthened by a move to the Missouri Department of Public Safety where other statewide programs providing services to crime victims are located; and

WHEREAS, the Missouri State Government Review Commission recommended this transfer in its November 2005 Report; and

WHEREAS, the transfer of the Crime Victims' Compensation Fund would better serve Missouri's citizens by increasing efficiencies and

is a component of the Governor's Executive Branch Reorganization Plan of 2007; and

WHEREAS, I am committed to integrating executive branch operations to ensure that the state delivers quality services in the most accessible manner and at the lowest cost to taxpayers.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974, do hereby order the Missouri Department of Labor and Industrial Relations and the Missouri Department of Public Safety to cooperate to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations to the Missouri Department of Public Safety by Type I transfer, as defined under the Reorganization Act of 1974; and
2. Develop mechanisms and processes necessary to effectively transfer the Crime Victims' Compensation Fund to the Missouri Department of Public Safety; and
3. Transfer the responsibility for staff support for the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations to the Missouri Department of Public Safety.

This Order shall become effective no sooner than August 28, 2007, unless disapproved within sixty days of its submission to the First Regular Session of the 94th General Assembly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 30th day of January, 2007.

(Seal)

MATT BLUNT
GOVERNOR

ATTEST:

ROBIN CARNAHAN
SECRETARY OF STATE

REFERRALS

President Pro Tem Gibbons referred **SCR 9** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Jan and Carol Tupper, Joplin.

Senator Goodman introduced to the Senate, Glen and Sharon Garrett, Purdy.

Senator Purgason introduced to the Senate, Steve Hogan, Summersville.

Senator Engler introduced to the Senate, Greg Redfield, Festus.

Senator Engler introduced to the Senate, Mr. and Mrs. Harry Robbins, Farmington.

Senator Bray introduced to the Senate, the Physician of the Day, Dr. Scott Smout, D.O.,

University City.

Senator Clemens introduced to the Senate, Mr. and Mrs. Gary Fraker, Marshfield.

Senator Kennedy introduced to the Senate, Amanda Groebl, St. Louis.

On behalf of Senator Crowell, the President introduced to the Senate, Neal Glass, Scott City.

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

SENATE CALENDAR

SEVENTEENTH DAY—THURSDAY, FEBRUARY 1, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 398-Crowell	SB 411-Clemens
SB 399-Crowell	SB 412-Griesheimer
SB 400-Crowell, et al	SB 413-Goodman
SB 401-Crowell	SB 414-Goodman
SB 402-Crowell	SB 415-Goodman
SB 403-Crowell	SB 416-Goodman
SB 404-Crowell	SB 417-Goodman
SB 405-Crowell	SB 418-Champion
SB 406-Crowell	SB 419-Kennedy
SB 407-Shoemyer	SB 420-Gibbons, et al
SB 408-Bray	SB 421-Coleman
SB 409-Nodler and Scott	SB 422-Coleman
SB 410-Nodler	SJR 18-Shoemyer

INFORMAL CALENDAR

RESOLUTIONS

To be Referred

SCR 10-Koster