

Journal of the Senate

FIRST REGULAR SESSION

EIGHTEENTH DAY—MONDAY, FEBRUARY 5, 2007

The Senate met pursuant to adjournment.

Shields Shoemyer Smith Stouffer
Vogel Wilson—34

Senator Gross in the Chair.

Reverend Carl Gauck offered the following prayer:

Absent—Senators—None

“The Lord Almighty is the one you are to regard as holy, he is the one you are to dread.” (Isaiah 8:13)

Absent with leave—Senators—None

Almighty God, we are thankful for new opportunities You have given us and are grateful to be instruments of Your holy will, which truly humbles us before You. Our trust is in You, relying on Your directing to complete the work that is ahead of us this week. In Your Holy Name we pray. Amen.

Vacancies—None

The Lieutenant Governor was present.

The Pledge of Allegiance to the Flag was recited.

RESOLUTIONS

Senator Clemens offered Senate Resolution No. 302, regarding Gary Schultz, Ozark, which was adopted.

A quorum being established, the Senate proceeded with its business.

Senator Shoemyer offered Senate Resolution No. 303, regarding Marianne Everhart, Vandalia, which was adopted.

The Journal for Thursday, February 1, 2007 was read and approved.

Senator Barnitz offered Senate Resolution No. 304, regarding Roger D. Jadwin, Salem, which was adopted.

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

Senator Vogel offered Senate Resolution No. 305, regarding Steve G. Sapanas, Jefferson City, which was adopted.

Senator Lager offered Senate Resolution No. 306, regarding Tyler Coverdell, Maryville, which was adopted.

Senator Lager offered Senate Resolution

No. 307, regarding Justine Finney Guyer, Purdin, which was adopted.

Senator Shoemyer offered Senate Resolution No. 308, regarding Brick City Custom Works, Mexico, which was adopted.

Senator Barnitz offered Senate Resolution No. 309, regarding the Seventieth Birthday of Warren Helton, Vienna, which was adopted.

Senator Graham offered Senate Resolution No. 310, regarding Melvin C. Platt, Columbia, which was adopted.

Senator Stouffer offered Senate Resolution No. 311, regarding United Parcel Service of America, Incorporated, which was adopted.

Senator Rupp offered Senate Resolution No. 312, regarding Bruce Barnes, Troy, which was adopted.

Senator Justus offered Senate Resolution No. 313, regarding the Metropolitan Organization to Counter Sexual Assault, Kansas City, which was adopted.

Senator Green offered the following resolution, which was adopted:

SENATE RESOLUTION NO. 314

Whereas, the members of the Missouri Senate feel it is altogether fitting and proper to pause from time to time to recognize outstanding organizations and individuals who have contributed to the well-being of the citizens of this great state; and

Whereas, during the late-July 2006 storms, power outages required the employees and contractors, numbering in the thousands, of AmerenUE, a Missouri electric utility company, to work sixteen-hour shifts, endure searing heat, and one employee most unfortunately lost his life, in order to restore power to the more than one-half million affected customers; and

Whereas, the employee who so tragically lost his life was Mr. Robert Tacket, 56 years old, a resident of St. Charles, Missouri, a 13-year employee of Ameren as a Distribution Operating Line Troublemaker working out of the Dorsett Facility, and a member of the International Brotherhood of Electrical Workers Local 1439, of St. Louis; and

Whereas, during the current winter outages, during which nearly 400,000 AmerenUE customers across Missouri and Illinois were without power due to a massive winter storm that hit the area

on November 30 and December 1, 2006, the employees of AmerenUE, numbering in the hundreds, have been required to demonstrate a similar measure of devotion, by working for restoration during and after the storm, some in rain, sleet, freezing rain, ice, and snow; and

Whereas, the AmerenUE employees and contractors, with strength and courage, battled the weather itself; hunger, fatigue and stress; broken poles and broken live-power lines; irate and frustrated customers; downed and splintered tree limbs and debris of every imaginable sort; under extreme conditions that ranged from more than one hundred degrees Fahrenheit to temperatures in the single digits and below; and encountered dangers difficult even for experts to recognize and handle:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fourth General Assembly, join to extend our heartfelt gratitude to the employees of AmerenUE for their dedication and service to the citizens of this state; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for presentation on behalf of the employees of AmerenUE.

Senator Ridgeway assumed the Chair.

President Kinder assumed the Chair.

Senator Scott moved that **SR 70** be taken up for adoption, which motion prevailed.

On motion of Senator Scott, **SR 70** was adopted by the following vote:

YEAS—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		

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Goodman assumed the Chair.

CONCURRENT RESOLUTIONS

Senators Ridgeway and Justus offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 12

WHEREAS, Missouri is pleased to be home to the six-state regional Taipei Economic and Cultural Office in Kansas City; and

WHEREAS, Missouri has demonstrated its commitment to trade with Taiwan by maintaining a Trade Office in Taipei since 1990; and

WHEREAS, trade between Taiwan and the United States has increased significantly during the past decades, with the United States being Taiwan's second-largest source of imports, and Taiwan being the eighth-largest trading partner of the United States; and

WHEREAS, Taiwan ranks as the fifth-largest overseas market for United States agricultural products in general, including the third-largest buyer of United States beef and corn products, the fifth-largest buyer of United States soybean products, the eighth-largest buyer of United States wheat, and the second-largest customer of United States agricultural products worldwide in terms of per capita consumption; and

WHEREAS, the United States International Trade Commission found that, with a Taiwan-United States free trade agreement in place, United States exports to Taiwan would increase by 16%, or roughly \$3.4 billion annually, and the broader interests of the United States in the Asia-Pacific region would be served:

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 support the negotiations of a Taiwan-United States free trade agreement; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for George W. Bush, President of the United States; Condoleezza Rice, United States Secretary of State; Carlos M. Gutierrez, United States Secretary of Commerce; Ambassador Susan C. Schwab, the United States Trade Representative, each member of the Missouri Congressional delegation, and the Taipei Economic and Cultural Office in Kansas City.

Senator Shields moved that **HCR 18** be taken up for adoption, which motion prevailed.

On motion of Senator Shields, **HCR 18** was adopted by the following vote:

YEAS—Senators

Bartle	Callahan	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Griesheimer
Gross	Koster	Lager	Loudon
Mayer	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—28

NAYS—Senators

Barnitz	Bray	Green	Justus
Kennedy	McKenna—6		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Gross assumed the Chair.

INTRODUCTION OF BILLS

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

SB 431—By Clemens.

An Act to amend chapter 313, RSMo, by adding thereto one new section relating to the state lottery.

SB 432—By Nodler.

An Act to repeal section 170.015, RSMo, and to enact in lieu thereof one new section relating to abortion.

SB 433—By Callahan and Rupp.

An Act to repeal section 288.042, RSMo, and to enact in lieu thereof one new section relating to veterans' unemployment compensation.

SB 434—By Rupp.

An Act to repeal section 478.186, RSMo, and to enact in lieu thereof one new section relating to the forty-fifth judicial circuit.

SB 435—By Rupp.

An Act to amend chapter 170, RSMo, by adding thereto one new section relating to

captioning of electronic video instructional materials.

SB 436—By Rupp.

An Act to repeal sections 160.900, 160.905, 160.910, 160.915, 160.920, 160.925, 160.930, 162.700, and 376.1218, RSMo, and to enact in lieu thereof twelve new sections relating to early intervention services.

SB 437—By Ridgeway.

An Act to repeal section 407.732, RSMo, and to enact in lieu thereof one new section relating to additional charges for rental vehicles.

SB 438—By Ridgeway.

An Act to repeal section 115.045, RSMo, and to enact in lieu thereof one new section relating to boards of election commissioners.

SB 439—By Days, Kennedy, Bray, Wilson, McKenna, Smith and Coleman.

An Act to amend chapter 565, RSMo, by adding thereto one new section relating to the creation of a death penalty commission.

SB 440—By Days and Gibbons.

An Act to repeal sections 33.752, 33.753, and 536.305, RSMo, and to enact in lieu thereof three new sections relating to the minority and women business advocacy commission.

SB 441—By Stouffer.

An Act to repeal section 135.1150, RSMo, and to enact in lieu thereof one new section relating to the Residential Treatment Agency Tax Credit Program.

SB 442—By Stouffer.

An Act to repeal sections 3.070, 8.007, 8.110, 8.120, 8.180, 8.200, 8.250, 8.260, 8.291, 8.310, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.420, 8.661, 8.679, 8.800, 8.830, 8.843, 33.710, 34.031, 37.010, 44.237, 217.575, 251.240, 253.320, 261.010, 311.650, 313.210, 320.260, 334.125, 361.010, and 630.525, RSMo, section

8.177 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 353, ninety-third general assembly, first regular session, and section 8.177 as enacted by senate substitute for senate committee substitute for house bill no. 487, ninety-third general assembly, first regular session, and to enact in lieu thereof thirty-seven new sections relating to design and construction of public buildings.

SB 443—By Smith, Coleman, Callahan, Nodler and Loudon.

An Act to amend chapter 168, RSMo, by adding thereto one new section relating to the establishment of the teach for Missouri act.

SB 444—By Goodman.

An Act to amend chapter 348, RSMo, by adding thereto two new sections relating to the Missouri agricultural and small business development authority.

SB 445—By Goodman.

An Act to repeal section 307.179, RSMo, and to enact in lieu thereof one new section relating to exempting church buses from the child passenger restraint system requirements, with penalty provisions and an emergency clause.

SB 446—By Goodman.

An Act to repeal sections 198.073 and 198.086, RSMo, and to enact in lieu thereof three new sections relating to fire safety standards in long-term care facilities.

SB 447—By Goodman.

An Act to repeal section 215.050, RSMo, relating to repealing a superannuated section of law pertaining to the housing development fund.

SB 448—By Coleman.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to recall

elections for school board members.

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 1, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

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

Donald B. Bedell, Republican, 1026 North Kingshighway, Sikeston, Scott County, Missouri 63801, as a member of the Southeast Missouri State University Board of Regents, for a term ending January 1, 2013, 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

January 30, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

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

Vincent J. Bommarito, 6 Arundel Place, Saint Louis City, Missouri 63105, as a member of the Saint Louis City Board of Police Commissioners, for a term ending January 31, 2011 and until his successor is duly appointed and qualified; vice, Michael Quinn, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 1, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

I have the honor to transmit to you herewith for your advice

and consent the following appointment:

Lori A. Clark, 2101 Buehrle Drive, Jefferson City, Cole County, Missouri 65109, as a member of the Organ Donation Advisory Committee, for a term ending January 1, 2010, 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 1, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

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

Judith K. Doss, Republican, 6217 Rhodes Avenue, Saint Louis City, Missouri 63109, as a member of the Regional Convention and Sports Complex Authority, for a term ending May 31, 2012, and until her successor is duly appointed and qualified; vice, Judith K. Doss, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
Jefferson City
65101

February 1, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

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

Richard D. James, D.C., 10 Stone Meadow Court, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Missouri Acupuncturist Advisory Committee, for a term ending December 10, 2007, and until his successor is duly appointed and qualified; vice, Richard D. James, withdrawn.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 1, 2007

TO THE SENATE OF THE 94th GENERAL ASSEMBLY OF
THE STATE OF MISSOURI:

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

Larry W. Plunkett, Sr., Democrat, 109 Pine Street, Greenville, Wayne County, Missouri 63944, as a member of the Missouri Gaming Commission, for a term ending April 29, 2007, and until his successor is duly appointed and qualified; vice, Larry W. Plunkett, Sr., withdrawn.

Respectfully submitted,
MATT BLUNT

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

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated:

SCR 11—Rules, Joint Rules, Resolutions and Ethics.

SECOND READING OF SENATE BILLS

The following Bills and Joint Resolutions were read the 2nd time and referred to the Committees indicated:

SB 423—Commerce, Energy and the Environment.

SB 424—Small Business, Insurance and Industrial Relations.

SB 425—Financial and Governmental Organizations and Elections.

SB 426—Judiciary and Civil and Criminal Jurisprudence.

SB 427—Judiciary and Civil and Criminal Jurisprudence.

SB 428—Agriculture, Conservation, Parks and Natural Resources.

SB 429—Judiciary and Civil and Criminal Jurisprudence.

SB 430—Ways and Means.

SJR 19—Financial and Governmental Organizations and Elections.

SJR 20—Judiciary and Civil and Criminal Jurisprudence.

Senator Griesheimer assumed the Chair.

HOUSE BILLS ON SECOND READING

The following Bill was read the 2nd time and referred to the Committee indicated:

HB 15—Appropriations.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

February 2, 2007

The Honorable Michael Gibbons
President Pro Tem of the Missouri State Senate
Capitol Building
Jefferson City, MO 65101

RE: Joint Committee on Restructuring Fees of the Clean Water and Storm Water Programs

Dear Senator,

As we advised you yesterday via email, I will not be able to serve as a member of this Joint Committee. My already full schedule does not permit me the time that may be needed to address the issues of this Joint Committee. Please advise me that you have replaced me on this committee.

Best regards,
/s/ Harry Kennedy
Harry Kennedy
Senator, District #1

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate,

Kristen Shropshire and Jerry Bingham, Bonne
Terre; and Kay and Kerry Klein, Desloge.

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

SENATE CALENDAR

NINETEENTH DAY—TUESDAY, FEBRUARY 6, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 431-Clemens	SB 440-Days and Gibbons
SB 432-Nodler	SB 441-Stouffer
SB 433-Callahan and Rupp	SB 442-Stouffer
SB 434-Rupp	SB 443-Smith, et al
SB 435-Rupp	SB 444-Goodman
SB 436-Rupp	SB 445-Goodman
SB 437-Ridgeway	SB 446-Goodman
SB 438-Ridgeway	SB 447-Goodman
SB 439-Days, et al	SB 448-Coleman

SENATE BILLS FOR PERFECTION

SB 284-Griesheimer, et al, with SCS

INFORMAL CALENDAR

CONSENT CALENDAR

Senate Bills

Reported 2/1

SB 9-Kennedy, with SCS	SB 152-Engler
SB 47-Engler, with SCS	SB 25-Champion
SB 81-Griesheimer	SB 84-Champion
SB 115-Scott, with SCS	SB 384-Coleman and Gibbons, with SCS

SB 52-Stouffer, with SCS
SB 232-Crowell, with SCS

SB 19-Shields

RESOLUTIONS

Reported from Committee

SCR 5-Shields, with SCS

To be Referred

SCR 12-Ridgeway and Justus

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