

# Journal of the Senate

FIRST REGULAR SESSION

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TWENTY-SECOND DAY—MONDAY, FEBRUARY 12, 2007

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The Senate met pursuant to adjournment.

Ridgeway	Rupp	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

Absent—Senators—None

“With malice toward none; with charity for all; with firmness in the right, as God gives us to see the right, let us strive on to finish the work we are in;” (A. Lincoln 1865)

Absent with leave—Senators

Loudon                  Scott—2

Almighty God, King of the Universe, we come together to begin a new week and as we do we pray like Lincoln that we will “with firmness” do that which is right and do our utmost to finish what we have started. So we pray we may work each day with that end in sight and that all may be completed by us as You direct us. 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 Griesheimer offered Senate Resolution No. 334, regarding William “Bill” Johnson, Fenton, which was adopted.

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

Senator Shields offered Senate Resolution No. 335, regarding John W. Richmond, Albany, which was adopted.

The Journal for Thursday, February 8, 2007 was read and approved.

On behalf of Senator Scott, Senator Shields offered Senate Resolution No. 336, regarding J.D. Johnson, Lincoln, 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
Mayer	McKenna	Nodler	Purgason

Senator Graham offered Senate Resolution No. 337, regarding Dr. Carol Grove, which was adopted.

Senator Graham offered Senate Resolution No. 338, regarding the City of Columbia, which was adopted.

Senator Bray offered Senate Resolution No. 339, regarding Ronald F. Pfeiffer, Richmond Heights, which was adopted.

Senator Bray offered Senate Resolution No. 340, regarding the American Heart Association's "Wear Red Day for Women", which was adopted.

Senator Lager offered Senate Resolution No. 341, regarding Hayden Oswald, Rock Port, which was adopted.

Senator Vogel offered Senate Resolution No. 342, regarding Tyler Evan Kempker, Jefferson City, which was adopted.

Senator Bray offered Senate Resolution No. 343, regarding Patrick Michael Maloney, Kirkwood, which was adopted.

Senator Bray offered Senate Resolution No. 344, regarding Alec Sydlow, Kirkwood, which was adopted.

Senator Bray offered Senate Resolution No. 345, regarding Michael J. Kelly, Kirkwood, which was adopted.

Senator Gross offered Senate Resolution No. 346, regarding Lou and Jacqueline Brock, Saint Louis, which was adopted.

Senator Gross offered Senate Resolution No. 347, regarding Saint Charles county government, which was adopted.

Senator Barnitz offered Senate Resolution No. 348, regarding the Oak Hill R-I School District, Dent County, which was adopted.

Senator Barnitz offered Senate Resolution No. 349, regarding Wal-Mart Transportation, St. James, which was adopted.

Senator Rupp offered Senate Resolution No. 350, regarding Jordan D. McCue, Wentzville, which was adopted.

Senator Griesheimer offered Senate Resolution No. 351, regarding Patrick M. Tracy, Ballwin, which was adopted.

Senator Gibbons offered Senate Resolution No. 352, regarding Laclede Gas Company, which was adopted.

Senator McKenna offered Senate Resolution No. 353, regarding Ridgewood Middle School, Arnold, which was adopted.

Senator Gibbons offered Senate Resolution No. 354, regarding Epworth Children and Family Services, St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 355, regarding Ronald Wampler, Savannah, which was adopted.

### **CONCURRENT RESOLUTIONS**

Senator Graham offered the following concurrent resolution:

#### **SENATE CONCURRENT RESOLUTION NO. 14**

WHEREAS, the National Forest Service is a federal agency within the United States Department of Agriculture that manages public lands in national forests and grasslands, engages in important research as the world's largest forestry research organization, and provides assistance to state and private forestry entities; and

WHEREAS, the origination of the Forest Service can be traced back to the passage of the Forest Reserve Act of 1891, which allowed presidents to establish forest reserves from timber-covered land in the public domain; and

WHEREAS, a progressive United States Congress and President Theodore Roosevelt, the most notable conservationist among all U.S. presidents deceased and living, established the Forest Service in 1905; and

WHEREAS, a primary objective of the Forest Service is to enable citizens to enjoy its 155 national forest and 20 grasslands, which collectively comprise about 8.5 percent of the total land area of the United States; and

WHEREAS, another chief goal of the Forest Service is to protect the environment for generations yet to come and manage the National Forest System for the overall benefit of the American people; and

WHEREAS, Gifford Pinchot, the first Chief of the Forest Service, summed up the mission of the Forest Service by stating that it should "provide the greatest amount of good for the greatest amount of people in the long run"; and

WHEREAS, Pinchot's vision of the Forest Service has recently been called into question by a new Bush Administration proposal to possibly sell more about 274,000 acres of national forest

to private owners and developers; and

WHEREAS, this newest proposal is similar to a 2006 Bush Administration plan that was largely opposed by Missouri citizens; and

WHEREAS, 21,588 acres of the Mark Twain National Forest in Missouri is under consideration for sale, which ranks Missouri in the Top 5 of states with potential lost forest; and

WHEREAS, Forest Service stewards have in the past participated in limited land-exchange programs but have never engaged in the outright sale of our national forests, which is undoubtedly one of our country's most precious assets; and

WHEREAS, the money raised from the sale of our national forests would be used to fund a program created by the Secure Rural Schools and Community Self Determination Act of 2000 – a program that is of little benefit to the citizens of the state of Missouri, even under the spending guidelines of the newest proposal:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-fourth General Assembly, First Regular Session, the House of Representatives concurring herein, hereby express their opposition to the Bush Administration's unprecedented proposed sale of national forest land; and

BE IT FURTHER RESOLVED that we urge Missouri citizens to contact the Forest Service during its allotted time of public comment to speak out against this plan; and

BE IT FURTHER RESOLVED that we ask Missouri's nine Congressmen in the U.S. House of Representatives and its two U.S. senators to use their influence to oppose the proposed sale of public lands; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for U.S. Agriculture Secretary Mike Johanns, Chief of the National Forest Service Abigail Kimbell, and each of Missouri's federal representatives and senators.

## INTRODUCTION OF BILLS

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

### **SB 487**—By Stouffer.

An Act to repeal section 80.570, RSMo, and to enact in lieu thereof one new section relating to disincorporation of towns and villages.

### **SB 488**—By Clemens.

An Act to repeal sections 261.035, 261.230, 261.235, 261.239, and 265.200, RSMo, and to enact in lieu thereof five new sections relating to

the department of agriculture.

### **SB 489**—By Clemens.

An Act to repeal section 348.434, RSMo, and to enact in lieu thereof one new section relating to agricultural tax credits.

### **SB 490**—By Mayer.

An Act to repeal sections 192.925, 197.500, 198.006, 198.070, 198.090, 198.532, 208.909, 208.912, 208.915, 210.900, 210.906, 210.933, 559.100, 565.180, 565.182, 565.184, 565.188, 565.200, 570.145, 660.010, 660.050, 660.053, 660.054, 660.055, 660.057, 660.058, 660.060, 660.062, 660.067, 660.069, 660.070, 660.099, 660.250, 660.255, 660.260, 660.261, 660.263, 660.265, 660.270, 660.275, 660.280, 660.285, 660.290, 660.295, 660.300, 660.305, 660.310, 660.315, 660.317, 660.320, 660.321, 660.400, 660.403, 660.405, 660.407, 660.409, 660.411, 660.414, 660.416, 660.418, 660.420, 660.512, 660.620, 660.625, 660.600, 660.603, 660.605, and 660.608, RSMo, and to enact in lieu thereof sixty-three new sections relating to citizens most at risk for exploitation, with penalty provisions.

### **SB 491**—By Ridgeway.

An Act to amend chapter 105, RSMo, by adding thereto one new section relating to certain legal actions against the state or any of its agencies or political subdivisions.

### **SB 492**—By Crowell.

An Act to repeal sections 105.660 and 105.665, RSMo, and to enact in lieu thereof six new sections relating to certain public employee retirement plans, with penalty provisions.

### **SB 493**—By Koster.

An Act to repeal sections 454.850, 454.855, 454.857, 454.860, 454.867, 454.869, 454.871, 454.874, 454.877, 454.880, 454.885, 454.887, 454.890, 454.892, 454.895, 454.897, 454.902, 454.905, 454.907, 454.912, 454.917, 454.920, 454.927, 454.930, 454.932, 454.934, 454.936,

454.943, 454.946, 454.951, 454.956, 454.958, 454.963, 454.971, 454.973, 454.976, 454.983, 454.989, 454.991, 454.993, and 454.997, RSMo, and to enact in lieu thereof forty-three new sections relating to the interstate family support act.

**SB 494**—By Koster.

An Act to amend chapter 452, RSMo, by adding thereto twelve new sections relating to the uniform premarital agreement act.

**SB 495**—By Koster.

An Act to repeal sections 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, and 452.550, RSMo, and to enact in lieu thereof fifty new sections relating to child custody jurisdiction and enforcement.

**SB 496**—By Koster.

An Act to repeal sections 58.720, 194.210, 194.220, 194.230, 194.233, 194.240, 194.250, 194.260, 194.270, 194.280, 194.290, and 194.304, RSMo, and to enact in lieu thereof twenty-six new sections relating to anatomical gifts, with penalty provisions.

**SJR 21**—By Clemens.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 2, 5, 8, 9, and 11 of article III of the Constitution of Missouri, and adopting five new sections in lieu thereof relating to the general assembly.

The Senate paused for a moment of silence in memory of former Lt. Governor and State Senator Harriett Woods.

**MESSAGES FROM THE HOUSE**

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of

Representatives to inform the Senate that the House has taken up and passed **HB 353**, entitled:

An Act to repeal sections 191.900, 191.905, and 191.910, RSMo, and to enact in lieu thereof nine new sections relating to Medicaid fraud, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

**SENATE BILLS FOR PERFECTION**

Senator Griesheimer moved that **SB 284**, with **SCS, SS** for **SCS, SA 5** and **SA 3** to **SA 5** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SA 3** to **SA 5** was again taken up.

Senator Koster assumed the Chair.

Senator Rupp assumed the Chair.

Senator Bray moved that **SA 3** to **SA 5** be adopted, which motion prevailed.

**SA 5**, as amended, was again taken up.

Senator Graham offered **SA 4** to **SA 5**, which was read:

**SENATE AMENDMENT NO. 4 TO  
SENATE AMENDMENT NO. 5**

Amend Senate Amendment No. 5 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 284, Page 2, Section 67.2703, Line 3, by inserting after the word “**enactment**”, the following: “**or any franchise that is in negotiations at the time of enactment**”.

Senator Graham moved that the above amendment be adopted.

At the request of Senator Griesheimer, **SB 284**, with **SCS, SS** for **SCS, SA 5** and **SA 4** to **SA 5** (pending), was placed on the Informal Calendar.

**SECOND READING OF SENATE BILLS**

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

**SB 474**—Agriculture, Conservation, Parks and Natural Resources.

**SB 475**—Judiciary and Civil and Criminal Jurisprudence.

**SB 476**—Pensions, Veterans’ Affairs and General Laws.

**SB 477**—Financial and Governmental Organizations and Elections.

**SB 478**—Ways and Means.

**SB 479**—Transportation.

**SB 480**—Education.

**SB 481**—Judiciary and Civil and Criminal Jurisprudence.

**SB 482**—Financial and Governmental Organizations and Elections.

**SB 483**—Small Business, Insurance and Industrial Relations.

**SB 484**—Transportation.

**SB 485**—Commerce, Energy and the Environment.

**SB 486**—Economic Development, Tourism and Local Government.

**COMMUNICATIONS**

Senator McKenna submitted the following:

February 8, 2007

Ms. Terry Spieler  
Secretary of the Senate  
State Capitol, Rm. 325  
Jefferson City, MO 65101

Dear Ms. Spieler:

I hereby give my resignation as a member to the Joint Committee on Transportation Oversight. I appreciate your cooperation in this matter.

Sincerely,

/s/ Ryan McKenna

State Senator, 22nd District

Also,

President Pro Tem Gibbons submitted the following:

February 12, 2007

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

**Re: Appointment to the Joint Committee on Transportation Oversight**

Dear Terry:

Due to the vacancy created by the resignation of Senator Ryan McKenna pursuant to Section 21.795, RSMo 2002, I am appointing Senator Joan Bray to the Joint Committee on Transportation Oversight.

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

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

Also,

February 12, 2007

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

Dear Mrs. Spieler:

I am appointing the following senator to the Children’s Services Commission:

- Scott Rupp

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

Yours truly,

/s/ Michael R. Gibbons

MICHAEL R. GIBBONS

President Pro Tem

**INTRODUCTIONS OF GUESTS**

Senator Smith introduced to the Senate, Jermaine and Shaq Wilson, Ben Stein, Violet Stopp and Steve Smith, St. Louis.

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

## SENATE CALENDAR

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 TWENTY-THIRD DAY—TUESDAY, FEBRUARY 13, 2007
 

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## FORMAL CALENDAR

## SECOND READING OF SENATE BILLS

SB 487-Stouffer	SB 493-Koster
SB 488-Clemens	SB 494-Koster
SB 489-Clemens	SB 495-Koster
SB 490-Mayer	SB 496-Koster
SB 491-Ridgeway	SJR 21-Clemens
SB 492-Crowell	

## HOUSE BILLS ON SECOND READING

HB 353-Schaaf, et al

## SENATE BILLS FOR PERFECTION

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|--|---|
| 1. SB 339-Mayer, with SCS              | 7. SB 389-Nodler, et al, with SCS                   |
| 2. SBs 255, 249 & 279-Loudon, with SCS | 8. SBs 49, 65, 210 & 251-Engler, et al,<br>with SCS |
| 3. SB 46-Mayer, et al, with SCS        | 9. SB 287-Crowell and Vogel                         |
| 4. SB 161-Shields, with SCS            | 10. SB 384-Coleman and Gibbons, with SCS            |
| 5. SB 107-Wilson                       | 11. SB 129-Stouffer and Crowell, with SCS           |
| 6. SB 27-Bartle and Koster             |   |

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

SB 284-Griesheimer, et al, with SCS, SS  
for SCS, SA 5 & SA 4 to SA 5 (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/1

SB 81-Griesheimer  
SB 115-Scott, with SCS  
SB 152-Engler  
SB 25-Champion

SB 84-Champion  
SB 52-Stouffer, with SCS  
SB 232-Crowell, with SCS  
SB 19-Shields

Reported 2/8

SB 420-Gibbons, et al, with SCS  
SB 21-Griesheimer, with SCS  
SB 211-Goodman  
SB 264-Green  
SB 288-Engler, with SCS  
SB 298-Engler  
SB 311-Scott, with SCS  
SB 322-Engler  
SB 163-Mayer, with SCS  
SB 79-Scott  
SB 198-Mayer, with SCS  
SB 315-Clemens  
SB 4-Gross, with SCS  
SB 127-Mayer

SB 244-Mayer  
SB 401-Crowell  
SB 402-Crowell  
SB 403-Crowell  
SB 404-Crowell  
SB 406-Crowell  
SB 130-Stouffer  
SB 238-Stouffer  
SB 240-Stouffer  
SB 226-Stouffer, with SCS  
SB 104-Stouffer, with SCS  
SB 103-Stouffer, with SCS  
SB 102-Stouffer  
SB 91-Nodler, with SCS

RESOLUTIONS

Reported from Committee

SCR 5-Shields, with SCS

To be Referred

SCR 14-Graham