

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-SEVENTH DAY—TUESDAY, FEBRUARY 20, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Nobody grows old by merely living a number of years. People grow old only by deserting their ideals...You are as young as your hope, as old as your despair.” General Douglas MacArthur

Lord God, we are mindful that our sense of age is often the factor of how we are living our lives and whether we are enlivened by accomplishing the things that are truly important to us. Help us to live with faithfulness to what You have set for us to do and feel the exuberance of seeking and accomplishing what is ideal to our view of daily living. Help us to live that way this day and every day. 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 Coleman offered Senate Resolution No. 424, regarding Dr. Lincoln I. Diuguid, Saint Louis, which was adopted.

Senator Justus offered Senate Resolution No. 425, regarding the death of Robert Popper, Kansas City, which was adopted.

Senator Justus offered Senate Resolution No. 426, regarding the International Architects Atelier (IAA), which was adopted.

Senator Purgason offered Senate Resolution No. 427, regarding the Seventieth Wedding Anniversary of Mr. and Mrs. Ben Pohnert, Thayer, which was adopted.

Senator Purgason offered Senate Resolution No. 428, regarding the One Hundred Second Birthday of Tressa Skramovsky, West Plains, which was adopted.

Senator Purgason offered Senate Resolution No. 429, regarding the One Hundred Second Birthday of Nelle Gibson, West Plains, which was adopted.

Senator Purgason offered Senate Resolution No. 430, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Verdon Warren, Pomona, which was adopted.

Senator Purgason offered Senate Resolution No. 431, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Delbert Shipley, West Plains, which was adopted.

Senator Purgason offered Senate Resolution No. 432, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. W.L. Gower, Thayer, which was adopted.

Senator Purgason offered Senate Resolution No. 433, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Dale Walter Beardshear, Gainesville, which was adopted.

Senator Purgason offered Senate Resolution No. 434, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Doffless Harris, West Plains, which was adopted.

Senator Purgason offered Senate Resolution No. 435, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Ralph Eagleman, which was adopted.

Senator Purgason offered Senate Resolution No. 436, regarding the Eightieth Birthday of Ruby Nell Vance, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 437, regarding the One Hundred Ninth Birthday of Ruby Gregory, Lebanon, which was adopted.

Senator Shields offered Senate Resolution No. 438, regarding Kristi Williams, Saint Joseph, which was adopted.

INTRODUCTION OF BILLS

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

SB 534—By Nodler.

An Act to repeal sections 640.710, 643.151, and 644.076, RSMo, and to enact in lieu thereof three new sections relating to concentrated animal feeding operations, with penalty provisions.

SB 535—By Goodman.

An Act to repeal sections 260.211, 260.212, 260.240, and 260.249, RSMo, and to enact in lieu thereof four new sections relating to solid waste disposal, with penalty provisions.

SB 536—By Lager.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to natural gas safety penalties, with penalty provisions.

SB 537—By Lager.

An Act to repeal section 334.735, RSMo, and to enact in lieu thereof one new section relating to physician assistants.

SB 538—By Shoemyer.

An Act to amend chapter 261, RSMo, by adding thereto one new section relating to participation in an animal identification system.

SB 539—By Justus.

An Act to repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to school safety.

SB 540—By Kennedy.

An Act to amend chapter 67, RSMo, by adding thereto one new section relating to a sales tax for school district purposes.

SB 541—By Graham.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the Missouri Civil War discovery trail fund.

SB 542—By Scott.

An Act to repeal sections 336.010, 336.020, 336.030, 336.040, 336.050, 336.060, 336.070, 336.080, 336.090, 336.140, 336.160, 336.200, 336.220, and 336.225, RSMo, and to enact in lieu thereof twelve new sections relating to optometrists.

Senator Koster assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 339**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 339**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 339

An Act to repeal section 290.250, RSMo, and to enact in lieu thereof eight new sections relating to public contracts, with penalty provisions.

Was taken up.

Senator Mayer moved that **SCS** for **SB 339** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 339, Page 6, Section 1, Line 1, by deleting said section; and

Further amend the title and enacting clause accordingly.

Senator Bray moved that the above amendment be adopted, which motion failed.

Senator Mayer moved that **SCS** for **SB 339** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SB 339**

was declared perfected and ordered printed.

Senator Loudon moved that **SB 255**, **SB 249** and **SB 279**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 255**, **249** and **279**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 255, 249 and 279

An Act to repeal section 290.505, RSMo, and to enact in lieu thereof two new sections relating to overtime compensation, with an emergency clause and an expiration date for a certain section.

Was taken up.

Senator Loudon moved that **SCS** for **SBs 255**, **249** and **279** be adopted.

Senator Loudon offered **SS** for **SCS** for **SBs 255**, **249** and **279**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 255, 249 and 279

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.

Senator Loudon moved that **SS** for **SCS** for **SBs 255**, **249** and **279** be adopted, which motion prevailed.

Senator Griesheimer assumed the Chair.

On motion of Senator Loudon, **SS** for **SCS** for **SBs 255**, **249** and **279** was declared perfected and ordered printed.

Senator Engler moved that **SB 49**, **SB 65**, **SB 210** and **SB 251**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SBs 49**, **65**, **210** and **251**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 49, 65, 210 and 251

An Act to repeal sections 407.1095, 407.1098, 407.1101, 407.1104, and 407.1107, RSMo, and to

enact in lieu thereof six new sections relating to telephonic solicitations, with penalty provisions.

Was taken up.

Senator Engler moved that **SCS** for **SBs 49, 65, 210** and **251** be adopted.

Senator Engler offered **SS** for **SCS** for **SBs 49, 65, 210** and **251**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 49, 65, 210 and 251

An Act to repeal sections 407.1095, 407.1098, 407.1101, 407.1104, and 407.1107, RSMo, and to enact in lieu thereof six new sections relating to telephonic solicitations, with penalty provisions.

Senator Engler moved that **SS** for **SCS** for **SBs 49, 65, 210** and **251** be adopted.

At the request of Senator Engler, **SB 49, SB 65, SB 210** and **SB 251**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

On motion of Senator Shields, the Senate recessed until 3:00 p.m.

RECESS

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

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, to which were referred **SS** for **SCS** for **SBs 255, 249** and **279** and **SCS** for **SB 339**, 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.

THIRD READING OF SENATE BILLS

SS for **SCS** for **SB 284**, introduced by Senator

Griesheimer, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 284

An Act to amend chapter 67, RSMo, by adding thereto twenty new sections relating to the provision of video services, with an emergency clause.

Was taken up.

On motion of Senator Griesheimer, **SS** for **SCS** for **SB 284** was read the 3rd time and passed 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	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shoemyer
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators

Lager Shields—2

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause failed to receive the necessary two-thirds majority by the following vote:

YEAS—Senators

Bartle	Clemens	Gibbons	Goodman
Griesheimer	Gross	Koster	Purgason
Ridgeway	Rupp	Scott	Stouffer
Vogel—13			

NAYS—Senators

Barnitz	Bray	Callahan	Champion
Coleman	Crowell	Days	Engler

Graham	Green	Justus	Kennedy
Lager	Loudon	Mayer	McKenna
Nodler	Shields	Shoemyer	Smith
Wilson—21			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Griesheimer, title to the bill was agreed to.

Senator Griesheimer moved that the vote by which the bill passed be reconsidered.

Senator Shields moved that motion lay on the table, which motion prevailed.

SENATE BILLS FOR PERFECTION

Senator Engler moved that **SB 49, SB 65, SB 210** and **SB 251**, with **SCS** and **SS** for **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SS for **SCS** for **SBs 49, 65, 210** and **251** was again taken up.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 49, 65, 210 and 251, Page 9, Section 407.1108, Line 25, by inserting after all of said line the following:

“3. Any committee making a political solicitation under the provisions of this section shall be registered with the Missouri ethics commission, the federal elections commission or an agency in any other state that regulates campaign finance.”

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

Senator Barnitz offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 49, 65, 210 and 251, Page 9, Section 407.1108, Line 10, by inserting immediately after the word “made” the following:

“, and the political affiliation of the committee, if any”.

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

Senator Green offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 49, 65, 210 and 251, Page 9, Section 407.1108, Line 25, by inserting immediately after all of said line the following:

“Section 1. In addition to any other information provided to a candidate at the time such candidate files for an elective office with the secretary of state, the secretary of state shall provide a summary of the provisions of section 407.1108 to the candidate.”; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 49, 65, 210 and 251, Page 9, Section 407.1108, Line 25, by inserting immediately after all of said line the following:

“Section 1. Any entity making a radio advertisement that is made for the purpose of promoting, advertising, or campaigning for or

against a political candidate or political issue that gives out the phone number of an elected official and requests that listeners contact the official by telephone shall register with the Missouri ethics commission and shall disclose the identity of the entity or person paying for such advertisement.”; and

Further amend the title and enacting clause accordingly.

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

Senator Green offered **SA 5**, which was read:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 49, 65, 210 and 251, Page 9, Section 407.1108, Line 25, by inserting immediately after all of said line the following:

“3. Any entity described in subdivision (3) of subsection 1 of this section making an automated political solicitation, as defined in section 407.1095, RSMo, shall register with the secretary of state and the Missouri ethics commission within forty-eight hours of making any automated political solicitation. Any solicitation by the entity shall additionally state who engaged the organization to make such solicitation.”.

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

Senator Engler moved that **SS** for **SCS** for **SBs 49, 65, 210** and **251**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SS** for **SCS** for **SBs 49, 65, 210** and **251**, as amended, was declared perfected and ordered printed.

REFERRALS

President Pro Tem Gibbons referred **SS** for **SCS** for **SBs 255, 249** and **279** to the Committee on Governmental Accountability and Fiscal

Oversight.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 439, regarding Robert Schaaf, Saint Joseph, which was adopted.

Senator Graham offered Senate Resolution No. 440, regarding James Michael McMorris, Hallsville, which was adopted.

Senator Crowell offered Senate Resolution No. 441, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Charles Dunn, which was adopted.

Senator Crowell offered Senate Resolution No. 442, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Herbert Buchheit, Perryville, which was adopted.

Senator Crowell offered Senate Resolution No. 443, regarding Lt. and Mrs. Ernest Todd Nordman, Sneads Ferry, North Carolina, which was adopted.

Senator Crowell offered Senate Resolution No. 444, regarding the One Hundred First Birthday of Edith K. Hastings, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 445, regarding Mr. and Mrs. Anthony C. Zoffuto, Jr., Richmond, Virginia, which was adopted.

Senator Crowell offered Senate Resolution No. 446, regarding Carole Baugh, which was adopted.

Senator Crowell offered Senate Resolution No. 447, regarding Sally Lipke, which was adopted.

Senator Crowell offered Senate Resolution No. 448, regarding Kelly Crawford, which was adopted.

Senator Lager offered Senate Resolution No. 449, regarding the Ninetieth Birthday of

Virginia Stroup, Winston, which was adopted.

Senator Lager offered Senate Resolution No. 450, regarding the One Hundred First Birthday of Alice Houser, Marceline, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Stouffer introduced to the Senate, Kellie Hisle, Lawson; Chris Cain, Carrollton; Sarah Lewis, Marshall; Allison Staples, Sweet Springs; and Joey Hoflander, Higginsville.

Senator Justus introduced to the Senate, members of Cub Scout Pack 118, Kansas City; and Nicholas Bustamante, Matthew Caffey, Connor Christensen, Jake Costanzo, Jake Cussen, Joseph Hague, Robbie Healy, Clay Miller, Sam Moore, Alex Overton, Jackson Pedersen, Elijah Riesco, Brandon Ryffe and Matthew Watz were made honorary pages.

Senator Rupp introduced to the Senate, Dr. Brian Andrews, Lake St. Louis.

Senator Kennedy introduced to the Senate, Sharon Rohrbach, R.N., St. Louis.

Senator Mayer introduced to the Senate, Ben Counce, Ginger Goldsby, Stacey Bradshaw, Corey Miller and twenty students from Caruthersville Middle School; and Perry Middleton, Brittany Clayton, Summer Swindle, Darvius Sims and Lennon Smith were made honorary pages.

Senator Gibbons introduced to the Senate, former Speaker of the House, U.S. Attorney Catherine Hanaway, Warson Woods; and Steve Schankman and Kelly McMahon, St. Louis.

Senator Days introduced to the Senate, members of Alpha Kappa Alpha Sorority, Inc. from around the state.

Senator Clemens introduced to the Senate, 2006-2007 State FFA Officers, Jeromie Allen, Stewartsville; Joshua Cawthon, Polo; Lance Martin, Shelbina; Nathan Scheiderer, Salisbury;

Rachael Keathley, Montgomery City; Reanna Santillan, Richmond; Rachel Bartholomew, Archie; Amanda Parrack, Macks Creek; Allie Massa, Lamar; Mindy Breshears, Bolivar; Kelin Kruse, Fairview; Wesley Davis, Ava; Andrea Pruett, Vichy; Mark Engemann, Hermann; Tracy Sample, Annapolis; Alex Johnson, Parma; and Zach Kinne, Eagleville.

Senator Clemens introduced to the Senate, Leader Sharon Young and members of Cub Scout Pack 910, Diggins.

Senator Shields introduced to the Senate, Larry, Janet, Shelley and Kent Allen, St. Joseph.

Senator Kennedy introduced to the Senate, Jan Rothermich, Patricia Patterson, Roy Harrell, Audrey Spitznagel, Marvin Todtenhaupt and Warren Stegmann, St. Louis.

Senator Nodler introduced to the Senate, Doug Wright and Darrell Idecker, Joplin.

Senator Stouffer introduced to the Senate, Derek Brucker, Pocahontas; Justin Vehige, Bonnots Mill; Charlotte Jackson, New Cambria; Quinton Binder, Green Ridge; Patricia Buckstead, Holden; Jena Thompson, Marshfield; Brandon Harvey, Moberly; Kelli Jo Woodson, Fulton; Christine Tew, Columbia; Elisabeth Godfrey, Liberty; and Scott Neimeyer, Bowling Green, members of the 4-H Legislative Academy.

Senator Crowell introduced to the Senate, Derek Brucker, Pocahontas.

Senator Shields introduced to the Senate, Farm Bureau members from Platte and Buchanan Counties.

Senator Wilson introduced to the Senate, Robert Crosby, Columbia.

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

SENATE CALENDAR

 TWENTY-EIGHTH DAY—WEDNESDAY, FEBRUARY 21, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 519-Shoemyer
 SB 520-Engler
 SB 521-Lager, et al
 SB 522-Green
 SB 523-Scott
 SB 524-Scott
 SB 525-Scott
 SB 526-Scott
 SB 527-Scott
 SB 528-Scott
 SB 529-Bray
 SB 530-Gibbons

SB 531-Gibbons
 SB 532-Loudon, et al
 SB 533-Loudon
 SB 534-Nodler
 SB 535-Goodman
 SB 536-Lager
 SB 537-Lager
 SB 538-Shoemyer
 SB 539-Justus
 SB 540-Kennedy
 SB 541-Graham
 SB 542-Scott

HOUSE BILLS ON SECOND READING

HB 353-Schaaf, et al
 HCS for HB 300
 HCS for HB 453
 HB 454-Jetton, et al

HB 352-Hobbs, et al
 HCS for HBs 545 & 590
 HCS for HB 39
 HCS for HBs 189 & 60

THIRD READING OF SENATE BILLS

SS for SCS for SBs 255, 249 &
 279-Loudon (In Fiscal Oversight)

SCS for SB 339-Mayer

SENATE BILLS FOR PERFECTION

- | | |
|---|--|
| 1. SB 287-Crowell and Vogel | 3. SB 129-Stouffer and Crowell, with SCS |
| 2. SB 384-Coleman and Gibbons, with SCS | 4. SB 30-Nodler and Ridgeway |

- | | |
|-------------------------------------|---|
| 5. SBs 199 & 207-Stouffer, with SCS | 10. SB 274-Shields |
| 6. SB 22-Griesheimer, with SCS | 11. SB 244-Mayer |
| 7. SB 79-Scott | 12. SB 75-Coleman, et al, with SCS |
| 8. SB 315-Clemens | 13. SB 101-Mayer |
| 9. SB 4-Gross, with SCS | 14. SB 164-Scott, with SCAs 1, 2, 3 & 4 |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- | | |
|------------------------------|--|
| SB 27-Bartle and Koster | SB 161-Shields, with SCS |
| SB 46-Mayer, et al, with SCS | SB 389-Nodler, et al, with SCS & SS#2
for SCS (pending) |
| SB 107-Wilson | |

CONSENT CALENDAR

Senate Bills

Reported 2/8

- | | |
|--|---------------------------|
| SB 420-Gibbons, et al, with SCS | SB 403-Crowell |
| SB 211-Goodman | SB 404-Crowell |
| SB 264-Green | SB 406-Crowell |
| SB 288-Engler, with SCS | SB 130-Stouffer |
| SB 298-Engler | SB 238-Stouffer |
| SB 322-Engler | SB 240-Stouffer |
| SB 163-Mayer, with SCS (In Fiscal Oversight) | SB 226-Stouffer, with SCS |
| SB 198-Mayer, with SCS | SB 104-Stouffer, with SCS |
| SB 127-Mayer | SB 103-Stouffer, with SCS |
| SB 401-Crowell | SB 102-Stouffer |
| SB 402-Crowell | SB 91-Nodler, with SCS |

Reported 2/15

- | | |
|---------------------------|------------------------|
| SB 8-Kennedy | SB 272-Scott, with SCS |
| SB 275-Ridgeway, with SCS | SB 132-Rupp |
| SB 156-Engler, with SCS | SB 171-Nodler |
| SB 159-Engler, with SCS | SB 269-Scott |

SB 270-Scott
SB 271-Scott
SB 158-Engler

SB 281-Griesheimer
SB 237-Shields and Justus
SB 223-Rupp

RESOLUTIONS

Reported from Committee

SCR 5-Shields, with SCS

Unofficial

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