

Journal of the Senate

FIRST REGULAR SESSION

TWENTY-EIGHTH DAY—WEDNESDAY, FEBRUARY 21, 2007

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“The best prayers are often more groans than words.” (John Bunyan)

Merciful God, many in our country observe this day as Ash Wednesday and its call for us to look at our lives in critical and questioning ways. We pray, help us be aware of our shortcomings and need for Your mercy. Keep us close to Your heart that even our groans are heard and give us hope as we walk through this day of ashes and Lent to Your promise to be with us always. 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 Days offered Senate Resolution No. 451, regarding Constance Williams, Kenneth Ferguson, Darlene Avery and the residents of Dawson Hall, which was adopted.

CONCURRENT RESOLUTIONS

Senator Coleman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 19

Whereas, the Missouri General Assembly regards the health of our children to be of paramount importance to families in our State; and

Whereas, the Missouri General Assembly regards poor child health as a threat to the educational achievement, social, and psychological well-being of the children of our State; and

Whereas, the Missouri General Assembly considers

protecting the health of our children to be essential to the well-being of our youngest citizens and the quality of life in our State; and

Whereas, the Missouri General Assembly considers the Missouri MC+ for Kids program, which has an average enrollment of more than 125,000 children each year since its inception in September 1998, to be an integral part of the arrangements for health benefits for the children of the State of Missouri; and

Whereas, the Missouri General Assembly recognizes the value of the Missouri MC+ for Kids program in preserving child wellness, preventing and treating childhood disease, improving health outcomes, and reducing overall health costs; and

Whereas, the Missouri General Assembly considers the federal funding available for the Missouri MC+ for Kids program to be indispensable to providing health benefits for children of modest means:

Now, therefore, be it resolved that the members of the Senate of the Ninety-fourth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby:

(1) Urge the Missouri Congressional Delegation to ensure that the Congress timely reauthorizes the State Children's Health Insurance Program (SCHIP) to assure federal funding for the Missouri MC+ for Kids program;

(2) Urge Governor Matt Blunt to use his best efforts to work with the Missouri Congressional Delegation to ensure that SCHIP is reauthorized in a timely manner;

(3) Urge all components of state government to work together with educators, health care providers, social workers, and parents to ensure that all available public and private assistance for providing health benefits to uninsured children in Missouri be used to the maximum extent possible; and

(4) Urge Governor Matt Blunt to use his best efforts to provide meaningful assistance to help identify and enroll children who qualify for Medicaid or the Missouri MC+ for Kids program; and

Be it further resolved that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for Governor Matt Blunt, Deborah E. Scott, the Director of the Department of Social Services, and each member of the Missouri Congressional delegation.

INTRODUCTION OF BILLS

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

SB 543—By Stouffer.

An Act to repeal section 301.130, RSMo, and to enact in lieu thereof one new section relating to the reissuance of license plates.

SB 544—By Shoemyer.

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to the recycling of license plates.

SB 545—By Lager.

An Act to repeal section 537.762, RSMo, and to enact in lieu thereof one new section relating to product seller liability, with an emergency clause.

SB 546—By Bray, Justus, Smith, Days, Coleman, Graham and Wilson.

An Act to repeal section 170.015, RSMo, and to enact in lieu thereof seven new sections relating to reducing the number of abortions in the state through the prevention first act, with penalty provisions.

SB 547—By Griesheimer.

An Act to repeal section 302.178, RSMo, and to enact in lieu thereof one new section relating to intermediate driver license passenger restrictions.

SB 548—By Justus.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to the Missouri earned income credit.

SB 549—By Scott.

An Act to repeal section 227.299, RSMo, and to enact in lieu thereof one new section relating to memorial highway designations.

SB 550—By Scott.

An Act to repeal sections 43.010, 43.030, 43.090, 43.110, 43.120, 43.140, 43.210, and 43.220, RSMo, and to enact in lieu thereof eight new sections relating to the Missouri state highway patrol.

SB 551—By Coleman.

An Act to repeal section 162.1100, RSMo, relating to transitional school districts.

SB 552—By Bartle.

An Act to amend chapter 386, RSMo, by

adding thereto one new section relating to voice over Internet protocol service.

SB 553—By Bartle.

An Act to repeal sections 650.055 and 650.056, RSMo, and to enact in lieu thereof two new sections relating to the DNA profiling system, with penalty provisions.

SB 554—By Gibbons.

An Act to repeal sections 21.810, 67.110, 137.055, 138.380, and 138.395, RSMo, and to enact in lieu thereof four new sections relating to real property taxes.

SB 555—By Gibbons.

An Act to repeal sections 160.545, 311.310, 311.325, 577.021, and 577.500, RSMo, and to enact in lieu thereof five new sections relating to underage drinking, with penalty provisions.

SB 556—By Loudon, Gibbons, Shields, Nodler, Ridgeway and Crowell.

An Act to amend chapter 376, RSMo, by adding thereto seventeen new sections relating to health insurance.

SB 557—By Loudon.

An Act to repeal sections 650.055 and 650.056, RSMo, and to enact in lieu thereof two new sections relating to the DNA profiling system, with penalty provisions.

SB 558—By Loudon.

An Act to repeal section 570.030, RSMo, and to enact in lieu thereof one new section relating to stealing debit cards, with penalty provisions.

SB 559—By Shields.

An Act to repeal section 246.005, RSMo, and to enact in lieu thereof one new section relating to levee districts, with an emergency clause.

SB 560—By Shields.

An Act to repeal section 443.819, RSMo, and to enact in lieu thereof one new section relating to

residential mortgage fraud, with penalty provisions.

SJR 23—By Ridgeway.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing sections 3 and 4 (b) of article X of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the assessment of residential real property.

Senator Rupp assumed the Chair.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 161**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SB 161**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 161

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to quality rating system for child care facilities.

Was taken up.

Senator Shields moved that **SCS** for **SB 161** be adopted.

Senator Shields offered **SS** for **SCS** for **SB 161**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 161

An Act to amend chapter 210, RSMo, by adding thereto one new section relating to quality rating system for child care facilities.

Senator Shields moved that **SS** for **SCS** for **SB 161** be adopted.

Senator Gross offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 161,

Page 2, Section 210.205, Lines 19-28 of said page, by striking all of said lines; and

Further amend said bill and section, Page 3, Lines 1-10 of said page, by striking all of said lines and inserting in lieu thereof the following:

“4. There is hereby created in the state treasury the “Quality Rating System Program Improvement Grant Fund”. Within this fund there is created a first sub-account which shall consist of all gifts, donations, transfers, and bequests to the fund. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys remaining in this first sub-account shall not revert to the credit of the general revenue fund. There is also created a second sub-account consisting of moneys appropriated by the general assembly. Any moneys remaining in this second sub-account shall at the end of the biennium revert to the credit of the general revenue fund. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall be used solely for the administration of this section to provide grants directly to licensed providers seeking assistance for quality improvements to undergo evaluation under the quality rating system established under this section or to community-based organizations assisting providers with such improvements. The fund shall be administered by the department of social services. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”.

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

Senator Shields announced that photographers from KRCG-TV were given permission to take pictures in the Senate Chamber today.

Senator Coleman offered **SA 2:**

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 161, Page 4, Section 210.205, Line 25 of said page, by inserting immediately after said line the following:

“210.245. 1. Any person who violates any provision of sections 210.201 to 210.245, or who for such person or for any other person makes materially false statements in order to obtain a license or the renewal thereof pursuant to sections 210.201 to 210.245, shall be guilty of an infraction for the first offense and shall be assessed a fine not to exceed two hundred dollars and shall be guilty of a class A misdemeanor for subsequent offenses. In case such guilty person is a corporation, association, institution or society, the officers thereof who participate in such misdemeanor shall be subject to the penalties provided by law.

2. If the department of health and senior services proposes to deny, suspend, place on probation, **deny renewal of**, or revoke a license, the department of health and senior services shall serve upon the applicant or licensee written notice of the proposed action to be taken **no less than ninety days before the action is taken. No such action against a license may be taken until the ninety-day notice period has elapsed. The ninety-day notice period shall not be applicable to actions by the department under subsections 5 and 6 of this section.** The notice shall contain a statement of the type of action proposed, the basis for it, the date the action will become effective, and a statement that the applicant or licensee shall have thirty days to request in writing a hearing before the administrative hearing commission and that such request shall be made to the department of health and senior services. If no written request for a hearing is received by the department of health and senior services within thirty days of the delivery or mailing by certified mail of the notice to the applicant or licensee, the proposed discipline shall take effect on the [thirty-first] **ninety-first** day

after such delivery or mailing of the notice to the applicant or licensee. If the applicant or licensee makes a written request for a hearing, the department of health and senior services shall file a complaint with the administrative hearing commission within ninety days of receipt of the request for a hearing. **If a written request for a hearing is requested by the applicant or licensee, no suspension, probation, denial of renewal, or revocation of a license may occur until the judgment of the administrative hearing commission is issued.**

3. The department of health and senior services may issue letters of censure or warning without formal notice or hearing. Additionally, the department of health and senior services may place a licensee on probation pursuant to chapter 621, RSMo.

4. The department of health and senior services may suspend any license simultaneously with the notice of the proposed action to be taken in subsection 2 of this section, if the department of health and senior services finds that there is a threat of imminent bodily harm to the children in care. The notice of suspension shall include the basis of the suspension and the appeal rights of the licensee pursuant to this section. The licensee may appeal the decision to suspend the license to the department of health and senior services. The appeal shall be filed within ten days from the delivery or mailing by certified mail of the notice of appeal. A hearing shall be conducted by the department of health and senior services within ten days from the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings, including review thereof, unless sooner withdrawn by the department of health and senior services, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission. Any person aggrieved by a final decision of the department made pursuant to this section shall be entitled to judicial review in accordance with chapter 536, RSMo.

5. In addition to initiating proceedings pursuant to subsection 1 of this section, or in lieu thereof, the prosecuting attorney of the county where the child-care facility is located may file suit for a preliminary and permanent order overseeing or preventing the operation of a child-care facility for violating any provision of sections 210.201 to 210.245. The order shall remain in force until such a time as the court determines that the child-care facility is in substantial compliance. If the prosecuting attorney refuses to act or fails to act after receipt of notice from the department of health and senior services, the department of health and senior services may request that the attorney general seek an injunction of the operation of such child-care facility.

6. In cases of imminent bodily harm to children in the care of a child-care facility, the department may file suit in the circuit court of the county in which the child-care facility is located for injunctive relief, which may include removing the children from the facility, overseeing the operation of the facility or closing the facility.”; and

Further amend the title and enacting clause accordingly.

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

Senator Crowell assumed the Chair.

Senator Mayer assumed the Chair.

Senator Justus offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 161, Page 1, In the Title, Lines 3-4, by striking all of said lines and inserting in lieu thereof the following: “section relating to child care.”; and

further amend said bill, page 1, section A, line 3 by inserting after all of said line the following:

“208.046. 1. The children's division shall

promulgate rules to become effective no later than July 1, 2008, to modify the income eligibility criteria for any person receiving state-funded child care assistance under this chapter, either through vouchers or direct reimbursement to child care providers, to provide that persons with incomes of less than one hundred thirty percent of the federal poverty level for the applicable family size, shall receive, subject to appropriations, state-funded full child care subsidy benefits. Any person receiving subsidy benefits under this section shall be eligible to continue receiving benefits until such time as the person's income is greater than one hundred fifty percent of the federal poverty level.

2. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted.

At the request of Senator Shields, **SS** for **SCS** for **SB 161**, as amended, was withdrawn.

At the request of Senator Shields, **SB 161**, with **SCS** (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 519—Commerce, Energy and the Environment.

SB 520—Small Business, Insurance and Industrial Relations.

SB 521—Transportation.

SB 522—Education.

SB 523—Financial and Governmental Organizations and Elections.

SB 524—Financial and Governmental Organizations and Elections.

SB 525—Financial and Governmental Organizations and Elections.

SB 526—Financial and Governmental Organizations and Elections.

SB 527—Financial and Governmental Organizations and Elections.

SB 528—Financial and Governmental Organizations and Elections.

SB 529—Judiciary and Civil and Criminal Jurisprudence.

SB 530—Seniors, Families and Public Health.

SB 531—Financial and Governmental Organizations and Elections.

SB 532—Judiciary and Civil and Criminal Jurisprudence.

SB 533—Judiciary and Civil and Criminal Jurisprudence.

SB 534—Agriculture, Conservation, Parks and Natural Resources.

SB 535—Judiciary and Civil and Criminal Jurisprudence.

SB 536—Commerce, Energy and the Environment.

SB 537—Financial and Governmental Organizations and Elections.

SB 538—Agriculture, Conservation, Parks and Natural Resources.

SB 539—Education.

SB 540—Ways and Means.

SB 541—Economic Development, Tourism and Local Government.

SB 542—Financial and Governmental Organizations and Elections.

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.

Senator Shields announced that photographers from KOMU-TV were given permission to take pictures in the Senate Chamber today.

RESOLUTIONS

Senator Lager offered Senate Resolution No. 452, regarding the Ninetieth Birthday of Paul D. Burgess, Union Star, which was adopted.

Senator Lager offered Senate Resolution No. 453, regarding the Ninety-fifth Birthday of Ed Richards, Oregon, which was adopted.

Senator McKenna offered Senate Resolution No. 454, regarding Robert Anson Heinlein, Butler, which was adopted.

Senators Bray, Coleman, Days, Gibbons, Green, Griesheimer, Gross, Kennedy, Loudon, McKenna, Rupp and Smith offered Senate Resolution No. 455, regarding Barbara Bennett, Saint Louis, which was adopted.

Senator Justus offered Senate Resolution No. 456, regarding Robert Stephens, Kansas City, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 457

WHEREAS, the General Assembly deems it worthy to support and encourage any of those programs which exist to provide Missouri's senior citizens with an opportunity to utilize their experience and knowledge in a positive and meaningful way; and

WHEREAS, the General Assembly also deems it worthy to support those programs which are designed to provide participants with opportunities to develop better citizenship and leadership qualities; and

WHEREAS, the Silver Haired Legislature is a program which helps to ensure that senior citizens have a voice in state government while giving its participants a unique insight into the legislative process; and

WHEREAS, the General Assembly has a long tradition of granting the use of its Chambers to such programs:

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate Chamber for the purpose of their regular session from 8:00 a.m. to 4:30 p.m. on October 25, 2007 and from 8:00 a.m. to 12 noon on October 26, 2007.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 457** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 457** was adopted.

Senator Shoemyer offered Senate Resolution No. 458, regarding Gary Leu, Shelbina, which was adopted.

Senator Green offered Senate Resolution No. 459, regarding Florissant Mayor Robert G. Lowery, Sr., which was adopted.

Senator Crowell offered Senate Resolution No. 460, regarding Dan Brown, which was adopted.

Senator Crowell offered Senate Resolution No. 461, regarding David Brummel, which was adopted.

Senator Crowell offered Senate Resolution No. 462, regarding Julie Walker, which was adopted.

MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101

February 21, 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:

James Buford, Republican, 1 Kingsbury Place, Saint Louis City, Missouri 63112, as a member of the Missouri State University Board of Governors, for a term ending January 1, 2009, and until his successor is duly appointed and qualified; vice, James Buford, withdrawn.

Respectfully submitted,
MATT BLUNT

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

THIRD READING OF SENATE BILLS

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 by Senator Mayer.

On motion of Senator Mayer, **SCS for SB 339** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Coleman	Crowell
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—33			

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Days—1

Vacancies—None

The President declared the bill passed.

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

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

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

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SS for SCS for SBs 49, 65, 210 and 251**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

THIRD READING OF SENATE BILLS

SB 420, with **SCS**, introduced by Senator Gibbons, et al, entitled:

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.

Was called from the Consent Calendar and taken up.

SCS for SB 420, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 420

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, with an emergency clause.

Was taken up.

Senator Gibbons moved that **SCS** for **SB 420** be adopted, which motion prevailed.

On motion of Senator Gibbons, **SCS** for **SB 420** 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	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

The President declared the bill passed.

The emergency clause 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

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

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

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

SB 264, introduced by Senator Green, entitled:

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

Was called from the Consent Calendar and taken up.

On motion of Senator Green, **SB 264** 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	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

The President declared the bill passed.

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

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

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

SB 288, with **SCS**, introduced by Senator Engler, entitled:

An Act to authorize the conveyance of certain state properties, with an emergency clause.

Was called from the Consent Calendar and taken up.

SCS for **SB 288**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 288

An Act to authorize the conveyance of certain state properties, with an emergency clause.

Was taken up.

Senator Engler moved that **SCS** for **SB 288** be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **SB 288** 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	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

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Bartle	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—32

NAYS—Senator Barnitz—1

Absent—Senator Bray—1

Absent with leave—Senators—None

Vacancies—None

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

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

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

SB 298, introduced by Senator Engler, entitled:

An Act to repeal section 206.090, RSMo, and to enact in lieu thereof one new section relating to hospital districts.

Was called from the Consent Calendar and taken up.

On motion of Senator Engler, **SB 298** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
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Champion	Clemens	Coleman	Crowell	Wilson—33
Days	Engler	Gibbons	Goodman	
Graham	Green	Griesheimer	Gross	NAYS—Senator Bray—1
Justus	Kennedy	Koster	Lager	
Loudon	Mayer	McKenna	Nodler	Absent—Senators—None
Purgason	Ridgeway	Rupp	Scott	
Shields	Shoemyer	Smith	Stouffer	Absent with leave—Senators—None
Vogel	Wilson—34			

Vacancies—None

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 322, introduced by Senator Engler, entitled:

An Act to repeal section 304.190, RSMo, and to enact in lieu thereof one new section relating to commercial zones.

Was called from the Consent Calendar and taken up.

On motion of Senator Engler, **SB 322** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	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

The President declared the bill passed.

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

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

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

SB 198, with **SCS**, introduced by Senator Mayer, entitled:

An Act to repeal section 253.095, RSMo, and to enact in lieu thereof one new section relating to state parks.

Was called from the Consent Calendar and taken up.

SCS for **SB 198**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 198

An Act to repeal section 253.095, RSMo, and to enact in lieu thereof one new section relating to park services.

Was taken up.

Senator Mayer moved that **SCS** for **SB 198** be adopted, which motion prevailed.

On motion of Senator Mayer, **SCS** for **SB 198** was read the 3rd time and passed by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Clemens	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—32

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senators—None

Vacancies—None

NAYS—Senators—None

Absent—Senators

Barnitz Coleman—2

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

SB 127, introduced by Senator Mayer, entitled:

An Act to repeal section 104.040, RSMo, and to enact in lieu thereof one new section relating to the highway patrol retirement system.

Was called from the Consent Calendar and taken up.

On motion of Senator Mayer, **SB 127** was read the 3rd time and passed by the following vote:

YEAS—Senators

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—33			

The President declared the bill passed.

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

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

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

SB 401, introduced by Senator Crowell, entitled:

An Act to repeal sections 104.344 and 104.1090, RSMo, and to enact in lieu thereof three new sections relating to purchase of creditable prior service by members of the Missouri state employees' retirement system and the Missouri department of transportation and highway patrol employees' retirement system.

Was called from the Consent Calendar and taken up.

On motion of Senator Crowell, **SB 401** 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	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

The President declared the bill passed.

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

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

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

SB 402, introduced by Senator Crowell, entitled:

An Act to repeal sections 104.395, 104.1012, 104.1015, 104.1024, 104.1027, and 104.1072, RSMo, and to enact in lieu thereof six new sections relating to retirement plan election options.

Was called from the Consent Calendar and taken up.

On motion of Senator Crowell, **SB 402** 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	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

The President declared the bill passed.

On motion of Senator Crowell, title to the bill

was agreed to.

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

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

SB 403, introduced by Senator Crowell, entitled:

An Act to repeal sections 104.312 and 104.1051, RSMo, and to enact in lieu thereof two new sections relating to orders for division of benefits under the Missouri state employees' retirement system.

Was called from the Consent Calendar and taken up.

On motion of Senator Crowell, **SB 403** 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	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

The President declared the bill passed.

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

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

Senator Shields moved that motion lay on the

table, which motion prevailed.

SB 404, introduced by Senator Crowell, entitled:

An Act to repeal sections 104.380 and 104.1039, RSMo, and to enact in lieu thereof two new sections relating to the reemployment of retired members of the Missouri state employees' retirement system.

Was called from the Consent Calendar and taken up.

On motion of Senator Crowell, **SB 404** was read the 3rd time and passed by the following vote:

YEAS—Senators

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
Smith	Stouffer	Vogel	Wilson—32

NAYS—Senator Barnitz—1

Absent—Senator Shoemyer—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

COMMUNICATIONS

Senator Bray submitted the following:

February 21, 2007

Terry Spieler
 Senate Secretary
 Missouri State Senate
 State Capitol Building, Room 325
 Jefferson City, MO 65101
 Dear Ms. Spieler,

In accordance with Rule 45, I am writing to object to the placement of SB 275 on the Consent Calendar. This bill is too controversial to qualify as a consent bill and therefore should be removed as such and returned to the Financial & Governmental Organizations and Elections Committee.

Sincerely,
 /s/ Joan Bray
 Joan Bray

Also,
 President Pro Tem Gibbons submitted the following:

February 21, 2007

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

Dear Terry:
 I am hereby resigning from the Joint Committee on Tax Policy.

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

Also,

February 21, 2007

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

RE: Appointment to the Joint Committee on Tax Policy

Dear Terry:
 I am appointing Senator Brad Lager to the Joint Committee on Tax Policy to replace Senator Michael Gibbons.
 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 Crowell introduced to the Senate, the Physician of the Day, Dr. Thomas C. Sparkman, M.D., his wife, Carol, and their grandchildren, Thomas and Blake, Cape Girardeau; and Thomas and Blake were made honorary pages.

On behalf of Senator Loudon and himself, Senator Kennedy introduced to the Senate, Major Neal Richardson, Major Patty Richardson and Captain Randy Polsley, St. Louis.

On behalf of Senator Rupp and himself, Senator Gross introduced to the Senate, Sheri Stormer, Jim Ottemeyer, Stephen Phelps, Rose Mack, Mike Bounds, Jeff Chapple, Jonathan Easterling, Jeffrey Adams, Tryla Brown, Troy Comiskey, Tim Culwell, Kristy Baumgart, Greg Dohrman, Dale Dothage, Sharon Dunn, Traci Everman, Jonathan Fallert, Deena Fischer, Melissa Gehm, Johnny Glenn, Scott Mathys, Teresa McGuff, Dale Meracle, Bob Mochel, Brian Pieper, Sarah Politowski-Hefner, Jeffrey Pomeroy, Joseph Prosser, Greg Roeback, Christine Rutherford, Susan Spencer and Mary Wilson, representatives of Vision St. Charles County Leadership.

Senator Gibbons introduced to the Senate, volunteers from the Missouri Chapter of the March of Dimes.

Senator Nodler introduced to the Senate, Jim Stuart and students Cameron Cote, Taylor Dolence, Marji Ducommun, Angela Cole, Ian Lis, Justin Fox, Taleah Smith, Adrianna Jones, Wade Browning, Kendal Daniel and Jeremiah Born, Neosho High School.

Senator Ridgeway introduced to the Senate, Rebecca Dickson Simmons, LMSW, and volunteers for the Salvation Army, Kansas City.

Senator Gibbons introduced to the Senate, Kevin Drollinger, Executive Director, members of the board and staff of Epworth Children and Family Services, Webster Groves.

Senator Smith introduced to the Senate, Aaron Jennings, Washington, D.C.

Senator Gibbons introduced to the Senate, Kari Brown, St. Louis.

Senator Justus introduced to the Senate, Sister Pat Kenoyer, Kansas City.

On behalf of Senator Rupp, the President introduced to the Senate, Honora Burnett, Boulder, Colorado.

Senator Griesheimer introduced to the Senate, Gerry Bayless, Labadie.

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

SENATE CALENDAR

TWENTY-NINTH DAY— THURSDAY, FEBRUARY 22, 2007

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 543-Stouffer
SB 544-Shoemyer
SB 545-Lager

SB 546-Bray, et al
SB 547-Griesheimer
SB 548-Justus

SB 549-Scott
 SB 550-Scott
 SB 551-Coleman
 SB 552-Bartle
 SB 553-Bartle
 SB 554-Gibbons
 SB 555-Gibbons

SB 556-Loudon, et al
 SB 557-Loudon
 SB 558-Loudon
 SB 559-Shields
 SB 560-Shields
 SJR 23-Ridgeway

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)

SS for SCS for SBs 49, 65, 210 &
 251-Engler

SENATE BILLS FOR PERFECTION

1. SB 287-Crowell and Vogel
 2. SB 384-Coleman and Gibbons, with SCS
 3. SB 129-Stouffer and Crowell, with SCS
 4. SB 30-Nodler and Ridgeway
 5. SBs 199 & 207-Stouffer, with SCS
 6. SB 22-Griesheimer, with SCS
 7. SB 79-Scott

8. SB 315-Clemens
 9. SB 4-Gross, with SCS
 10. SB 274-Shields
 11. SB 244-Mayer
 12. SB 75-Coleman, et al, with SCS
 13. SB 101-Mayer
 14. SB 164-Scott, with SCAs 1, 2, 3 & 4

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 27-Bartle and Koster
 SB 46-Mayer, et al, with SCS
 SB 107-Wilson

SB 161-Shields, with SCS (pending)
 SB 389-Nodler, et al, with SCS & SS#2
 for SCS (pending)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman	SB 226-Stouffer, with SCS
SB 163-Mayer, with SCS (In Fiscal Oversight)	SB 104-Stouffer, with SCS
SB 406-Crowell	SB 103-Stouffer, with SCS
SB 130-Stouffer	SB 102-Stouffer
SB 238-Stouffer	SB 91-Nodler, with SCS
SB 240-Stouffer	

Reported 2/15

SB 8-Kennedy	SB 270-Scott
SB 156-Engler, with SCS	SB 271-Scott
SB 159-Engler, with SCS	SB 158-Engler
SB 272-Scott, with SCS	SB 281-Griesheimer
SB 132-Rupp	SB 237-Shields and Justus
SB 171-Nodler	SB 223-Rupp
SB 269-Scott	

RESOLUTIONS

Reported from Committee

SCR 5-Shields, with SCS

To be Referred

SCR 19-Coleman

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