

# Journal of the Senate

FIRST REGULAR SESSION

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**THIRTY-SECOND—WEDNESDAY, FEBRUARY 28, 2007**

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The Senate met pursuant to adjournment.

Senator Crowell in the Chair.

Reverend Carl Gauck offered the following prayer:

“Justice, sir, is the great interest of man on earth. It is the ligament which holds civilized beings and civilized nations together.” (Daniel Webster, 1845)

Wondrous God, instill in us a sensitivity to an awareness of the great need for justice and truth in all our transactions and may our justice be like Yours filled with mercy and grace towards another and may love be our driving principle in our judgements. 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.

President Kinder assumed the Chair.

## RESOLUTIONS

Senator Crowell offered Senate Resolution No. 488, regarding Jason Lindsey, which was adopted.

## INTRODUCTION OF BILLS

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

**SB 615**—By Callahan.

An Act to repeal section 137.106, RSMo, and to enact in lieu thereof one new section relating to the homestead preservation exemption tax credit program.

**SB 616**—By McKenna.

An Act to repeal section 311.070, RSMo, and

to enact in lieu thereof one new section relating to the advertising of liquor at retail businesses, with penalty provisions.

**SB 617**—By Rupp.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to identification and evaluation standards for state services pertaining to the Part B of the Individuals with Disabilities Act.

**SB 618**—By Rupp.

An Act to amend chapter 135, RSMo, by adding thereto eight new sections relating to educational tax credits, with an emergency clause.

**SB 619**—By Rupp.

An Act to repeal section 108.170, RSMo, and to enact in lieu thereof one new section relating to public finance.

**SB 620**—By Rupp.

An Act to repeal section 143.161, RSMo, and to enact in lieu thereof one new section relating to Missouri dependency exemptions.

**SB 621**—By Engler.

An Act to repeal sections 630.003, 630.635, 633.005, 633.010, 633.029, 633.180, 633.185, and 633.190, RSMo, and to enact in lieu thereof eight new sections relating to the division of mental retardation and developmental disabilities, for the sole purpose of changing the name of the division.

**SB 622**—By Engler and Kennedy.

An Act to amend chapter 160, RSMo, by adding thereto six new sections relating to drug testing of construction company employees on school property, with penalty provisions.

**SB 623**—By Coleman.

An Act to repeal sections 169.466 and 169.471, RSMo, and to enact in lieu thereof two new sections relating to retirement benefits.

**SB 624**—By Coleman.

An Act to amend chapter 92, RSMo, by adding thereto one new section relating to a sales tax for public safety purposes.

**SB 625**—By Coleman and Wilson.

An Act to repeal section 163.011, RSMo, and to enact in lieu thereof one new section relating to the definition of weighted average daily attendance in calculating state aid.

**SB 626**—By Ridgeway.

An Act to repeal sections 172.360, 174.130, 178.635, and 178.780, RSMo, and to enact in lieu thereof ten new sections relating to illegal immigration.

**SB 627**—By Ridgeway.

An Act to repeal section 302.720, RSMo, and to enact in lieu thereof one new section relating to the prohibition of using language interpreters in the commercial driver's license examination process.

**SB 628**—By Ridgeway.

An Act to repeal sections 104.335 and 104.601, RSMo, and to enact in lieu thereof three new sections relating to vested members of the Missouri state employees' retirement system.

**SB 629**—By Smith.

An Act to repeal section 535.040, RSMo, and to enact in lieu thereof one new section relating to landlord-tenant actions.

**SB 630**—By Justus.

An Act to amend chapter 167, RSMo, by adding thereto two new sections relating to educational rights and stability for foster care students.

**SB 631**—By Barnitz.

An Act to amend chapter 620, RSMo, by adding thereto one new section relating to the entrepreneurial development council, with penalty provisions.

**SB 632**–By Barnitz.

An Act to repeal section 569.145, RSMo, and to enact in lieu thereof one new section relating to posting of property against trespassers, with penalty provisions.

**SB 633**–By Loudon and Ridgeway.

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof one new section relating to income tax exemptions for military pensions, with an effective date.

**SB 634**–By Loudon.

An Act to amend chapter 338, RSMo, by adding thereto one new section relating to prohibiting the interchange of anti-epileptic drugs.

**SB 635**–By Loudon.

An Act to repeal sections 381.003, 381.009, 381.011, 381.015, 381.018, 381.021, 381.022, 381.025, 381.028, 381.031, 381.032, 381.035, 381.038, 381.041, 381.042, 381.045, 381.048, 381.051, 381.052, 381.055, 381.058, 381.061, 381.062, 381.065, 381.068, 381.071, 381.072, 381.075, 381.078, 381.081, 381.085, 381.088, 381.091, 381.092, 381.095, 381.098, 381.101, 381.102, 381.105, 381.108, 381.111, 381.112, 381.115, 381.118, 381.121, 381.122, 381.125, 381.131, 381.141, 381.151, 381.161, 381.171, 381.181, 381.191, 381.201, 381.211, 381.221, 381.231, and 381.241, RSMo, and section 381.410 as enacted by conference committee substitute for senate bill no. 664, eighty-eighth general assembly, second regular session, and section 381.412 as enacted by house committee substitute for senate bill no. 148, eighty-ninth general assembly, first regular session, and sections 381.410 and 381.412 as enacted by conference committee substitute for house substitute for house committee substitute for senate committee substitute for senate bill no. 894, ninetieth general assembly, second regular session, and to enact in lieu thereof thirty-five new sections relating to the regulation of title insurance, with penalty provisions.

**SB 636**–By Loudon.

An Act to repeal sections 565.005, 565.006, 565.035, and 565.040, RSMo, and to enact in lieu thereof eight new sections relating to aggravated child kidnapping, with penalty provisions.

**SB 637**–By Bray and Justus.

An Act to amend chapter 285, RSMo, by adding thereto thirteen new sections relating to family medical leave, with penalty provisions.

**SB 638**–By Bray.

An Act to repeal section 79.050, RSMo, and to enact in lieu thereof one new section relating to term of fourth class city mayors.

**SB 639**–By Bray.

An Act to repeal sections 375.001, 375.002, 375.003, 375.004, 379.810, 379.815, 379.820, 379.825, 379.830, 379.840, 379.845, 379.850, 379.855, 379.860, 379.865, 379.870, 379.875, and 379.880, RSMo, and to enact in lieu thereof eighteen new sections relating to residential property insurance.

**SB 640**–By Bray.

An Act to amend chapter 544, RSMo, by adding thereto one new section relating to no contact orders.

**SB 641**–By Bray, Justus, Days, Smith, Green, Callahan, Kennedy, Coleman and Wilson.

An Act to repeal sections 105.500, 105.510, 105.520, 105.525 and 105.530, RSMo, and to enact in lieu thereof eight new sections relating to public employee labor negotiations, with penalty provisions.

**SB 642**–By Bray.

An Act to repeal sections 143.091, 143.121, 143.225, 143.261, 143.431, 143.451, 143.461, 143.471, 144.010, 144.030, and 144.190, RSMo, and to enact in lieu thereof nine new sections relating to taxation, with an effective date.

**SB 643**—By Clemens.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to managed environment livestock operation tax credits, with an expiration date.

**SJR 24**—By Lager.

Joint Resolution submitting to the qualified voters of Missouri, an amendment repealing section 27 (a) of article IV of the Constitution of Missouri, and adopting three new sections in lieu thereof relating to the commonsense obligation to provide accountability and spending stabilization act.

**THIRD READING OF SENATE BILLS**

**SS** for **SCS** for **SBs 255, 249 and 279**, introduced by Senator Loudon, 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.

Was taken up.

Senator Shields assumed the Chair.

On motion of Senator Loudon, **SS** for **SCS** for **SBs 255, 249 and 279** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan
Champion	Clemens	Crowell	Days
Engler	Goodman	Graham	Green
Griesheimer	Gross	Justus	Koster
Lager	Loudon	Mayer	Nodler
Purgason	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—29			

NAYS—Senators—None

Absent—Senators

Coleman	Gibbons	Kennedy	McKenna
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Ridgeway—5

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	Crowell	Days
Engler	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Lager	Loudon	Mayer
McKenna	Nodler	Purgason	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Coleman	Gibbons	Ridgeway—3
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Absent with leave—Senators—None

Vacancies—None

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

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

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

Senator Scott assumed the Chair.

**SS** for **SCS** for **SBs 49, 65, 210 and 251**, introduced by Senator Engler, 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 eight new sections relating to telephonic solicitations, with penalty provisions.

Was taken up.

On motion of Senator Engler, **SS** for **SCS** for **SBs 49, 65, 210 and 251** 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	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Ridgeway—1

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.

**SCS** for **SB 46**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 46

An Act to amend chapter 660, RSMo, by adding thereto one new section relating to faith-based organizations.

Was taken up by Senator Mayer.

On motion of Senator Mayer, **SCS** for **SB 46** was read the 3rd time and passed by the following

vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Crowell	Engler	Gibbons
Goodman	Griesheimer	Gross	Kennedy
Koster	Lager	Loudon	Mayer
Nodler	Purgason	Rupp	Scott
Shields	Shoemyer	Stouffer	Vogel—24

NAYS—Senators

Bray	Coleman	Days	Graham
Green	Justus	McKenna	Smith
Wilson—9			

Absent—Senator Ridgeway—1

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 30**, introduced by Senators Nodler and Ridgeway, entitled:

An Act to repeal section 144.030, RSMo, and to enact in lieu thereof one new section relating to sales tax exemption for common motor carriers.

Was taken up by Senator Nodler.

On motion of Senator Nodler, **SB 30** 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 Nodler, title to the bill was agreed to.

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

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

Senator Gross assumed the Chair.

**SB 79**, introduced by Senator Scott, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to the state fair escrow fund.

Was taken up.

On motion of Senator Scott, **SB 79** 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 Scott, title to the bill was agreed to.

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

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

**SB 315**, introduced by Senator Clemens, entitled:

An Act to repeal section 537.353, RSMo, and to enact in lieu thereof one new section relating to liability for damage or destruction of field crop products.

Was taken up.

On motion of Senator Clemens, **SB 315** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Days
Engler	Gibbons	Goodman	Griesheimer
Gross	Justus	Kennedy	Koster
Lager	Loudon	Mayer	McKenna
Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—31	

NAYS—Senators

Bray	Graham	Green—3
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Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

**SS No. 2** for **SCS** for **SB 129**, introduced by Senator Stouffer, entitled:

SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 129

An Act to repeal sections 226.527 and 226.531, RSMo, and to enact in lieu thereof two new sections relating to the regulation of billboards, with penalty provisions.

Was taken up.

President Pro Tem Gibbons assumed the Chair.

On motion of Senator Stouffer, **SS No. 2** for **SCS** for **SB 129** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Callahan	Champion
Clemens	Coleman	Crowell	Engler
Gibbons	Goodman	Green	Griesheimer
Gross	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott
Shields	Shoemyer	Smith	Stouffer
Vogel—29			

NAYS—Senators

Bray	Days	Graham	Justus
Wilson—5			

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President Pro Tem declared the bill passed.

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

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

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

**SCS** for **SB 4**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 4

An Act to repeal sections 198.439, 208.437, 208.480, and 338.550, RSMo, and to enact in lieu thereof four new sections relating to the health care provider tax, with an emergency clause and an expiration date for certain sections.

Was taken up by Senator Gross.

On motion of Senator Gross, **SCS** for **SB 4** 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 Pro Tem declared the bill passed.

The emergency 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 Gross, title to the bill was agreed to.

Senator Gross 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 reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SCS** for **SB 197**; **SCS** for **SB 235**; and **SS** for **SB 195**, 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.

### INTRODUCTION OF BILLS

The following Bill was read the 1st time and ordered printed:

**SB 644**—By Griesheimer.

An Act to repeal sections 311.420 and 311.462, RSMo, and to enact in lieu thereof three new sections relating to the direct wine sales, with penalty provisions.

Senator Scott assumed the Chair.

### SECOND READING OF SENATE BILLS

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

**SB 578**—Health and Mental Health.

**SB 579**—Seniors, Families and Public Health.

**SB 580**—Transportation.

**SB 581**—Health and Mental Health.

**SB 582**—Ways and Means.

**SB 583**—Ways and Means.

**SB 584**—Financial and Governmental Organizations and Elections.

**SB 585**—Ways and Means.

**SB 586**—Financial and Governmental Organizations and Elections.

**SB 587**—Financial and Governmental Organizations and Elections.

**SB 588**—Judiciary and Civil and Criminal Jurisprudence.

**SB 589**—Economic Development, Tourism and Local Government.

**SB 590**—Ways and Means.

**SB 591**—Financial and Governmental Organizations and Elections.

**SB 592**—Financial and Governmental Organizations and Elections.

**SB 593**—Financial and Governmental Organizations and Elections.

**SB 594**—Financial and Governmental Organizations and Elections.

**SB 595**—Financial and Governmental Organizations and Elections.

**SB 596**—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 Griesheimer.

## RESOLUTIONS

Senator Graham offered Senate Resolution No. 489, regarding the One Hundred Third Birthday of Charles Jefferson, Columbia, which was adopted.

Senator Lager offered Senate Resolution No. 490, regarding Ron Rauch, Grant City, which was adopted.

Senator Lager offered Senate Resolution No. 491, regarding the One Hundred Fourth Birthday of Cora Paul, Brookfield, which was adopted.

Senator Rupp offered Senate Resolution No. 492, regarding Michael Christopher Aleksick, St. Charles, which was adopted.

Senator Graham offered Senate Resolution No. 493, regarding K.C. Pescaglia, which was adopted.

Senator Loudon offered Senate Resolution No. 494, regarding the Fifth Grade Class at Linda Vista Catholic School, Chesterfield, which was adopted.

## 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, after examination of **SB 128**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

## INTRODUCTION OF BILLS

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

**SB 645**—By Wilson, Green, Coleman and

Days.

An Act to repeal section 171.031, RSMo, and to enact in lieu thereof one new section relating to the minimum term for the 2006-2007 school year, with an emergency clause.

**SB 646**—By Wilson, Green, Days and Coleman.

An Act to repeal section 160.775, RSMo, and to enact in lieu thereof one new section relating to anti-bullying policies.

**SB 647**—By Shoemyer.

An Act to repeal sections 30.750, 30.753, 30.756, 30.758, 30.760, and 30.765, RSMo, and to enact in lieu thereof six new sections relating to low interest loans for locally owned businesses, with penalty provisions.

**SB 648**—By Vogel.

An Act to repeal section 217.045, RSMo, and to enact in lieu thereof one new section relating to funds for the department of corrections.

**SB 649**—By Smith.

An Act to repeal sections 8.800, 8.810, 8.812, 8.815, and 324.418, RSMo, and to enact in lieu thereof ten new sections relating to environmentally sustainable building design and construction.

## RESOLUTIONS

Senator Smith, joined by the entire membership offered the following resolution, which was adopted:

### SENATE RESOLUTION NO. 495

Whereas, the members of the Missouri Senate were truly saddened by the death of the Honorable John F. Bass on Sunday, February 25, 2007; and

Whereas, a State Senator from 1981 to 1991, John Bass also served as the Saint Louis public school administrator, the city of Saint Louis comptroller, and a staff member for such committees of the United States House of Representatives as the Oversight Committee, U.S. House Committee on Administration, which is responsible for House operations, investigations, staffing, and

public policy; and

Whereas, John Bass worked as a staff director and senior executive for the House Subcommittee on Libraries and Memorials, which oversees the Smithsonian Institution, the Kennedy Performing Arts Center, and the Division of Congressional Research; and

Whereas, John Bass also was a consultant to the United States Department of Education and the Department of Labor; and

Whereas, John Bass previously served as an educator, counselor, and administrator for Saint Louis public schools; a faculty member and staffer at the University of Missouri-Saint Louis and the University of Missouri-Kansas City; a guest professor at Harris-Stowe State College; and a member of the Advisory Board of Project Appleseed Saint Louis, whose goal is to increase parental involvement in the Saint Louis public school system; and

Whereas, a member of the Board of the Missouri Coordinating Board for Higher Education, John Bass belonged to numerous professional and civic organizations; and

Whereas, John Bass was a veteran of the United States Navy who prepared for his diverse endeavors in life by earning a Bachelor of Arts degree in business and school administration from Lincoln University and a Master of Arts degree in counseling and school administration from Washington University; and

Whereas, a true leader in the African-American community in Saint Louis for decades, John Bass is survived by a beloved daughter and grandchild:

Now, Therefore, Be It Resolved that we, the members of the Missouri Senate, Ninety-fourth General Assembly, join to memorialize the life and work of former State Senator John Bass and to convey this legislative body's most heartfelt condolences to his family members, colleagues, friends, and neighbors who now miss his considerable warmth, strength, and light in their daily lives; and

Be It Further Resolved that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution in memory of the Honorable John F. Bass of Saint Louis, Missouri.

## 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, after examination of **SB 357**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Also,

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 45** and **SB 39**, with **SCS**, respectfully requests that they be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

## SENATE BILLS FOR PERFECTION

Senator Mayer moved that **SB 244** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Coleman offered **SA 1**:

### SENATE AMENDMENT NO. 1

Amend Senate Bill No. 244, Page 11, Section 169.070, Line 375, by inserting immediately after said line the following:

“169.466. 1. Any retired member with fifteen or more years of creditable service at retirement receiving [a pension] **retirement benefits** on August 28, 1997, shall receive on January first of each year, commencing on January 1, 1998, an increase in the amount of [pension] **benefits** received by the retired member pursuant to sections 169.410 to 169.540 during the preceding year of one hundred percent of the increase in the consumer price index calculated in the manner provided in this section; except that, no such increase in [pension] **retirement benefits** shall be paid for any year if such increase in the consumer price index is less than one percent. Such annual [pension] **retirement benefit** increase, however, shall not exceed three percent [and the total increases in the amount of pension benefits received by any retired member shall not, in the aggregate, exceed ten percent of the pension benefits such retired member received during the year preceding January first of the first year the retired member is entitled to receive an increase pursuant to this section]. A retired member qualified to receive an annual [pension] **retirement benefit** increase pursuant to this section shall not be eligible to receive an additional

benefit until the January first after the first anniversary of the date on which he or she commenced receiving [a pension] **retirement benefits** pursuant to sections 169.410 to 169.540. Benefits shall not be decreased in the case of a decrease in the consumer price index for any year.

2. For the purpose of this section, any increase in the consumer price index shall be determined by the board of trustees in November of each year based on the consumer price index for the twelve-month period ended on September thirtieth of such year over the consumer price index for the twelve-month period ended on September thirtieth of the year immediately prior thereto. Any increase so determined shall be applied by the board of trustees in calculating increases in [pension] **retirement** benefits that become payable pursuant to this section for the twelve-month period beginning on the January first immediately following such determination.

3. An annual increase in [pension] **retirement** benefits, if any, shall be payable monthly with monthly installments of other [pension] **retirement** benefits pursuant to sections 169.410 to 169.540.

169.471. **1.** The board of education is authorized from time to time, in its discretion, to increase the [pension] **retirement** benefits now or hereafter provided pursuant to sections 169.410 to 169.540 and to adopt and implement additional [pension] **retirement** benefits and plans, including without limitation, early retirement plans, deferred retirement option plans and cost-of-living adjustments, but excluding compensation to retired members pursuant to section 169.475, and for such purpose the contribution rate of members of the retirement system may be increased to provide part of the cost thereof, subject to the following conditions:

(1) Any such increase in [pension] **retirement** benefits and additional [pension] **retirement** benefits and plans shall be approved by the board of trustees;

(2) The board of trustees shall have presented to the board of education the projected increases in rates of contribution which will be required to be made by members and the board of education to the retirement system to pay the cost of such increases in [pension] **retirement** benefits and additional [pension] **retirement** benefits and plans; and

(3) Any increase in the contribution rate of members of the retirement system shall be approved by the board of trustees and shall be deducted from the compensation of each member by the employing board and transferred and credited to the individual account of each member from whose compensation the deduction was made, and shall be administered in accordance with sections 169.410 to 169.540; provided that, any such increase in the members' contribution rate shall not exceed one-half of one percent of compensation in any year for such increases to [pension] **retirement** benefits and additional [pension] **retirement** benefits and plans adopted during such year by the board of education pursuant to this section, and all such increases in the members' contribution rate shall, in the aggregate, not exceed two percent of compensation.

**2. The board of trustees is authorized from time to time, in its discretion, to increase the retirement benefits, now or hereinafter provided under sections 169.410 to 169.540, and to adopt and implement additional retirement benefits for persons who have retired, including cost-of-living adjustments, provided that the board of trustees finds the additional benefit will not require an increase in the contribution rate required by the members, will not increase the contribution required from the board of education, and is actuarially sound. In the event the board of trustees authorizes an increase under this section, it shall certify in writing to the board of education the findings, including but not limited to all actuarial assumptions, upon which the board of trustees determined**

that the increase in benefits would result in no increase in contributions by members or the board of education.”; and

Further amend the title and enacting clause accordingly.

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

On motion of Senator Mayer, **SB 244**, as amended, was declared perfected and ordered printed.

**CONCURRENT RESOLUTIONS**

Senator Shields moved that **SCR 5**, with **SCS**, be taken up for adoption, which motion prevailed.

**SCS** for **SCR 5** was taken up.

Senator Shields moved that **SCS** for **SCR 5** be adopted, which motion prevailed.

On motion of Senator Shields, **SCR 5**, as amended by the **SCS**, was adopted by the following vote:

YEAS—Senators

Bartle	Bray	Callahan	Champion
Coleman	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—31	

NAYS—Senators—None

Absent—Senators

Barnitz Clemens—2

Absent with leave—Senator Crowell—1

Vacancies—None

**SENATE BILLS FOR PERFECTION**

**SB 155**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Rupp, **SB 169**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Shields, **SB 430**, with **SCS**, was placed on the Informal Calendar.

**SB 282**, with **SCS**, was placed on the Informal Calendar.

**SB 21**, with **SCS**, was placed on the Informal Calendar.

**SB 16**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Mayer, **SB 292** was placed on the Informal Calendar.

**SB 300** was placed on the Informal Calendar.

Senator Goodman moved that **SB 62** and **SB 41**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SBs 62** and **41**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 62 and 41

An Act to repeal sections 563.011, 563.031, 563.036, and 563.041, RSMo, and to enact in lieu thereof four new sections relating to the use of force.

Was taken up.

Senator Goodman moved that **SCS** for **SBs 62** and **41** be adopted.

Senator Shields assumed the Chair.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bills Nos. 62 and 41, Page 3, Section 563.074, Line 4, by striking “criminal prosecution or” from said line.

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

Senator Goodman moved that **SCS** for **SBs 62** and **41** be adopted, which motion

prevailed.

On motion of Senator Goodman, **SCS** for **SBs 62** and **41** was declared perfected and ordered printed.

Senator Wilson moved that **SB 107** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

On motion of Senator Wilson, **SB 107** was declared perfected and ordered printed.

President Pro Tem Gibbons assumed the Chair.

### REPORTS OF STANDING COMMITTEES

Senator Gross, Chairman of the Committee on Appropriations, submitted the following report:

Mr. President: Your Committee on Appropriations, to which was referred **HCS** for **HB 14**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Gross assumed the Chair.

### INTRODUCTION OF BILLS

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

**SB 650**—By Gibbons.

An Act to amend chapter 407, RSMo, by adding thereto two new sections relating to consumer protection of electronically-transmitted information, with penalty provisions.

**SB 651**—By Loudon.

An Act to amend chapter 565, RSMo, by adding thereto two new sections relating to human embryos, with penalty provisions.

### SECOND READING OF SENATE BILLS

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

**SB 597**—Financial and Governmental Organizations and Elections.

**SB 598**—Financial and Governmental Organizations and Elections.

**SB 599**—Pensions, Veterans' Affairs and General Laws.

**SB 600**—Commerce, Energy and the Environment.

**SB 601**—Commerce, Energy and the Environment.

**SB 602**—Ways and Means.

**SB 603**—Judiciary and Civil and Criminal Jurisprudence.

**SB 604**—Seniors, Families and Public Health.

**SB 605**—Economic Development, Tourism and Local Government.

**SB 606**—Judiciary and Civil and Criminal Jurisprudence.

**SB 607**—Small Business, Insurance and Industrial Relations.

**SB 608**—Ways and Means.

**SB 609**—Ways and Means.

**SB 610**—Ways and Means.

**SB 611**—Judiciary and Civil and Criminal Jurisprudence.

**SB 612**—Seniors, Families and Public Health.

**SRB 613**—Governmental Accountability and Fiscal Oversight.

**SB 614**—Transportation.

### REFERRALS

President Pro Tem Gibbons referred **SCS** for **SB 235** to the Committee on Governmental Accountability and Fiscal Oversight.

## COMMUNICATIONS

Senator Bray submitted the following:

February 28, 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 257 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 Judiciary and Civil and Criminal Jurisprudence Committee.

Sincerely,  
/s/ Joan Bray  
Joan Bray

Also,

President Pro Tem Gibbons submitted the following:

February 28, 2007

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

**Re: Appointments to the Missouri State Unemployment Council**

Dear Mrs. Spieler:

I am appointing the following to the Missouri State Unemployment Council:

- **Chuck Yarbrough, Employer Member**

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

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

## INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Kelsey Walters, Greenfield.

Senator Justus introduced to the Senate, members of St. Elizabeth Webelo Scouts Pack 150, Kansas City; and Ryan Burns, Zachary Casper, Robert Kelly, Nathan Rice, Andy Ritz, Joey

Torrence and Matthew Wallace were made honorary pages.

Senator Shoemyer introduced to the Senate, Kathy Nicholson, Bonnie Lutener, Kylee Meyer, Cindy Peter, Melissa Bringer, Tammy Hodges-Edwards and Angel Powers, Palmyra R-1 School Parents as Teachers.

Senator Lager introduced to the Senate, Tommye A. Quilty, Mound City.

Senator Graham introduced to the Senate, Kyle Houston, Huntsville.

Senator Champion introduced to the Senate, Miranda VanPelt, Barnard.

Senator Kennedy introduced to the Senate, Brigid Doherty, St. Louis.

Senator Kennedy introduced to the Senate, Judy Moore, Parents as Teachers, Hancock.

Senator Kennedy introduced to the Senate, Bryan and Mary Kay Fink, St. Louis.

Senator Wilson introduced to the Senate, Crystal Ward and Keisha Henson, Raytown.

Senator Mayer introduced to the Senate, Cody Troutt, Holcomb.

Senator Stouffer introduced to the Senate, Andrew Felten, Pilot Grove.

Senator Clemens introduced to the Senate, Landen Keeler, Marshfield.

Senator Clemens introduced to the Senate, Danette and Darrell Proctor, Willard.

Senator Smith introduced to the Senate, Lisa Thuer, Emily McGuines, Katie Ciorba and Robyn Morris, St. Louis.

Senator Crowell introduced to the Senate, Angie Clubb, Zelma.

Senator Vogel introduced to the Senate, Tyler Griffith, Eldon.

Senator Scott introduced to the Senate, Caitlin Holt, La Monte.

Senator Engler introduced to the Senate, Beth Kurts, Ste. Genevieve.

Senator Bray introduced to the Senate, former State Senator Betty Sims, Dean Edward Lawler and Betul Ozmat, St. Louis.

Senator Green introduced to the Senate, former State Representative Tim Van Zandt.

Senator Ridgeway introduced to the Senate, Teacher of the Year, Darryl Johnson, Smithville.

Senator Griesheimer introduced to the Senate, Mike and Chuck Marquart, Washington; and members of the Missouri Beer Wholesalers Association.

Senator Scott introduced to the Senate, Jane Britton and thirty-five fourth and eighth grade students from Pettis County R-XII, Sedalia.

Senator Graham introduced to the Senate, Dean Dr. Chris Tapscott, Dr. Michelle Esau and Dr. John J. Williams, Republic of South Africa; and Dr. David Valentine, Columbia.

Senator Kennedy introduced to the Senate, Beth Crancer, Fenton; and Cindy Lammert, St. Louis.

Senator Justus introduced to the Senate, Phoebe Harris, Grandview High School.

Senator Shoemyer introduced to the Senate, Western District Commissioner Steve Whitaker, Ralls County.

Senator Stouffer introduced to the Senate, members of Teen Pact Missouri.

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

## SENATE CALENDAR

THIRTY-THIRD DAY—THURSDAY, MARCH 1, 2007

## FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 615-Callahan	SB 628-Ridgeway
SB 616-McKenna	SB 629-Smith
SB 617-Rupp	SB 630-Justus
SB 618-Rupp	SB 631-Barnitz
SB 619-Rupp	SB 632-Barnitz
SB 620-Rupp	SB 633-Loudon and Ridgeway
SB 621-Engler	SB 634-Loudon
SB 622-Engler and Kennedy	SB 635-Loudon
SB 623-Coleman	SB 636-Loudon
SB 624-Coleman	SB 637-Bray and Justus
SB 625-Coleman and Wilson	SB 638-Bray
SB 626-Ridgeway	SB 639-Bray
SB 627-Ridgeway	SB 640-Bray

SB 641-Bray, et al  
 SB 642-Bray  
 SB 643-Clemens  
 SB 644-Griesheimer  
 SB 645-Wilson, et al  
 SB 646-Wilson, et al

SB 647-Shoemyer  
 SB 648-Vogel  
 SB 649-Smith  
 SB 650-Gibbons  
 SB 651-Loudon  
 SJR 24-Lager

#### 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  
 HCS for HBs 444, 217, 225, 239, 243,  
 297, 402 & 172  
 HCS for HB 327  
 HCS for HJR 1  
 HJR 7-Nieves

#### THIRD READING OF SENATE BILLS

SS#2 for SCS for SB 161-Shields  
 (In Fiscal Oversight)  
 SCS for SBs 199 & 207-Stouffer  
 (In Fiscal Oversight)  
 SCS for SB 384-Coleman and Gibbons  
 (In Fiscal Oversight)

SCS for SB 197-Loudon and Graham  
 SCS for SB 235-Shields  
 (In Fiscal Oversight)  
 SS for SB 195-Crowell

#### SENATE BILLS FOR PERFECTION

SB 204-Stouffer, with SCS  
 SB 64-Goodman and Koster, with SCS  
 SB 456-Gross, with SCS  
 SB 2-Gibbons, with SCS

SB 3-Gibbons, with SCS  
 SB 268-Coleman  
 SB 54-Koster, with SCS  
 SBs 239, 24 & 445-Stouffer, with SCS

#### HOUSE BILLS ON THIRD READING

HCS for HB 14, with SCS (Gross)



INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 16-Scott, with SCS	SB 274-Shields
SB 21-Griesheimer, with SCS	SB 282-Griesheimer, with SCS
SB 22-Griesheimer, with SCS	SB 287-Crowell and Vogel
SB 27-Bartle and Koster	SB 292-Mayer
SB 75-Coleman, et al, with SCS	SB 300-Bartle
SB 101-Mayer	SB 389-Nodler, et al, with SCS & SS#2 for SCS (pending)
SB 155-Engler, with SCS	SB 430-Shields, et al, with SCS
SB 169-Rupp, with SCS	

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman	SB 226-Stouffer, with SCS
SB 163-Mayer, with SCS	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	

Reported 2/22

SB 325-Loudon

SB 308-Crowell, et al, with SCS

SB 162-Vogel

SB 184-Green

SB 218-Graham

SB 233-Crowell

SB 376-Griesheimer

SB 397-Stouffer, with SCS

SB 67-Rupp, with SCS

SB 135-Nodler

SB 236-Shields

SB 172-Ridgeway

SB 395-McKenna

Unofficial

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