

# Journal of the Senate

FIRST REGULAR SESSION

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FIFTY-FOURTH DAY—MONDAY, APRIL 16, 2007

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The Senate met pursuant to adjournment.

Senator Nodler in the Chair.

Reverend Carl Gauck offered the following prayer:

“Whatever your hand finds to do, do with your might.”  
(Ecclesiastes 9:10a)

Holy and Gracious God, we know that You sanctify each day with Your blessing so that all our business is a holy business at all hours and in all places. We pray that what we are about this week will be uncommon and You will turn our efforts into spiritual adventures. Bless us and guide us so it may be so with us and You will honor our work. 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.

Senator Scott assumed the Chair.

The Journal for Thursday, April 12, 2007 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 Engler offered Senate Resolution No. 877, regarding Ronald Winiford Sheppard, Sr., which was adopted.

Senator Scott offered Senate Resolution No. 878, regarding Harry Lee Hargrave, which was adopted.

Senator Scott offered Senate Resolution No. 879, regarding Gerald Whistance, which was adopted.

Senator Scott offered Senate Resolution No. 880, regarding Linda Crowe, which was adopted.

Senator Barnitz offered Senate Resolution

No. 881, regarding Paul Bischoff, St. Robert, which was adopted.

Senator Barnitz offered Senate Resolution No. 882, regarding Steve Farris, St. Robert, which was adopted.

Senator Bray offered Senate Resolution No. 883, regarding Susan Robison, St. Louis, which was adopted.

Senator Bray offered Senate Resolution No. 884, regarding Angela Rhodes, Maryland Heights, which was adopted.

Senator Mayer offered Senate Resolution No. 885, regarding the One Hundred Fiftieth Anniversary of the City of Caruthersville, which was adopted.

Senator Lager offered Senate Resolution No. 886, regarding the Worth County Chapter of the Future Business Leaders of America, which was adopted.

Senator Kennedy offered Senate Resolution No. 887, regarding Sergeant Richard J. Chapman, St. Louis County, which was adopted.

Senator Gibbons offered Senate Resolution No. 888, regarding the Graduate School of the University of Missouri-Columbia, which was adopted.

Senator Ridgeway offered Senate Resolution No. 889, regarding Logan James Reed, Kearney, which was adopted.

Senator Ridgeway offered Senate Resolution No. 890, regarding Matthew Donald Marsh, Liberty, which was adopted.

Senator Shields offered Senate Resolution No. 891, regarding Travis Weaver, Weston, which was adopted.

Senator Gibbons offered Senate Resolution No. 892, regarding Edie Barnard, Rock Hill, which was adopted.

Senator Coleman offered Senate Resolution No. 893, regarding Chrissy Zerr, St. Charles,

which was adopted.

Senator Coleman offered Senate Resolution No. 894, regarding Danielle L. Mayes, Lake St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 895, regarding Brittany Johnson, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 896, regarding Jessica Sanford, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 897, regarding Evin Da'rough, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 898, regarding Natalie Edurne Clark, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 899, regarding Valecia McDowell, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 900, regarding Morgan A. Mackey, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 901, regarding Jae Whitney Blackmon, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 902, regarding Brittany Jones, Chesterfield, which was adopted.

Senator Coleman offered Senate Resolution No. 903, regarding Brianne Flaherty, Wildwood, which was adopted.

Senator Coleman offered Senate Resolution No. 904, regarding Kathryn Ayres, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 905, regarding Amanda Burian, Fenton, which was adopted.

Senator Coleman offered Senate Resolution No. 906, regarding Simone Cunningham, St.

Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 907, regarding Lauren Daly, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 908, regarding Caroline Johnson, Wildwood, which was adopted.

Senator Coleman offered Senate Resolution No. 909, regarding Kayla Martin, Wentzville, which was adopted.

Senator Coleman offered Senate Resolution No. 910, regarding Chelsea McGartland, Wildwood, which was adopted.

Senator Coleman offered Senate Resolution No. 911, regarding Catie Mohrmann, St. Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 912, regarding Marjorie Powers, Affton, which was adopted.

Senator Coleman offered Senate Resolution No. 913, regarding Julia Anderson, Fenton, which was adopted.

Senator Coleman offered Senate Resolution No. 914, regarding Barbara Barker, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 915, regarding Kimberly Bauer, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 916, regarding Sharami-Tara Brown, Hillsboro, which was adopted.

Senator Coleman offered Senate Resolution No. 917, regarding Jamie Cordia, Maryland Heights, which was adopted.

Senator Coleman offered Senate Resolution No. 918, regarding Kimberly M. Dick, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 919, regarding Bridget Julianna Calandro,

Wildwood, which was adopted.

Senator Coleman offered Senate Resolution No. 920, regarding Elizabeth Grondalski, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 921, regarding Kelsea Inman, Ste. Genevieve, which was adopted.

Senator Coleman offered Senate Resolution No. 922, regarding Brittany Johnson, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 923, regarding Jalyn Lee Jones, St. Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 924, regarding Jocelyn Briana McLin, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 925, regarding Stephanie Oexeman, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 926, regarding Katherine Wintergalen, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 927, regarding Elizabeth Zerkel, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 928, regarding Shannon Slavik, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 929, regarding Laura Nicklaus, Webster Groves, which was adopted.

Senator Coleman offered Senate Resolution No. 930, regarding Victoria R. Casanta, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 931, regarding Shater'ra K. Lee, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 932, regarding Krichel Childress, St. Louis,

which was adopted.

Senator Bray offered Senate Resolution No. 933, regarding Ladue DECA, which was adopted.

Senator Graham offered Senate Resolution No. 934, regarding Wayne Boykin, which was adopted.

Senator Graham offered Senate Resolution No. 935, regarding Alice Vaughn, which was adopted.

Senator Shields offered Senate Resolution No. 936, regarding John Hooser, Platte City, which was adopted.

Senator Engler offered Senate Resolution No. 937, regarding Arcadia Valley High School Key Club, Ironton, which was adopted.

Senator Engler offered Senate Resolution No. 938, regarding the Two Hundredth Anniversary of the Potosi United Methodist Church, which was adopted.

Senator Engler offered Senate Resolution No. 939, regarding Marvin Skiles, Park Hills, which was adopted.

Senator Champion offered Senate Resolution No. 940, regarding the Fiftieth Anniversary of Baptist Temple, Springfield, which was adopted.

Senator Griesheimer offered Senate Resolution No. 941, regarding Thomas Peter Schoenenberger and Barbara Christina Affolter, St. Gallen, Switzerland, which was adopted.

Senator Lager offered Senate Resolution No. 942, regarding the Greater Maryville Chamber of Commerce, which was adopted.

Senator Ridgeway offered Senate Resolution No. 943, regarding USAFR Captain Lisa Gaines, which was adopted.

Senator Ridgeway offered Senate Resolution No. 944, regarding Caleb Raines Remboldt, which was adopted.

Senator Ridgeway offered Senate Resolution No. 945, regarding Jonathon Clifford Kinate, which was adopted.

Senator Ridgeway offered Senate Resolution No. 946, regarding Andrew Mark Alshouse, which was adopted.

Senator Ridgeway offered Senate Resolution No. 947, regarding Timothy Charles "Tim" Schlee, which was adopted.

Senator Ridgeway offered Senate Resolution No. 948, regarding Mike Weber, Clay County, which was adopted.

Senator Shields offered Senate Resolution No. 949, regarding Javada Brown, Weatherby Lake, which was adopted.

Senator Griesheimer offered Senate Resolution No. 950, regarding the Twentieth Anniversary of Developmental Services of Franklin County, which was adopted.

#### **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 **SB 40** and **SS** for **SB 31**, 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.

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following report:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **SS** for **SCS** for **HCS** for **HB 327**, begs leave to report that it has considered the same and recommends that the bill do pass.

#### **SENATE BILLS FOR PERFECTION**

Senator Champion moved that **SB 86**, with

**SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 86**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 86

An Act to repeal section 135.327, RSMo, and to enact in lieu thereof one new section relating to the children in crisis tax credit program, with an emergency clause.

Was taken up.

Senator Champion moved that **SCS** for **SB 86** be adopted, which motion prevailed.

On motion of Senator Champion, **SCS** for **SB 86** was declared perfected and ordered printed.

**HOUSE BILLS ON THIRD READING**

**HCS** for **HB 678**, entitled:

An Act to amend chapter 171, RSMo, by adding thereto one new section relating to school attendance in inclement weather, with an emergency clause.

Was called from the Consent Calendar and taken up by Senator Goodman.

On motion of Senator Goodman, **HCS** for **HB 678** 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
Kennedy	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel
Wilson—33			

NAYS—Senators—None

Absent—Senator Justus—1

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 Goodman, title to the bill was agreed to.

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

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

The Senate observed a moment of prayer for the victims and survivors of the Virginia Tech shootings.

Senator Crowell requested unanimous consent of the body to correct the committee report made by the Committee on Pensions, Veterans' Affairs and General Laws, April 12, 2007, on **SB 348** and others, stating that the report should have read: "to which were referred **SB 348**, **SB 626** and **SB 461**", which request was granted.

Senator Griesheimer moved that **SS** for **SCS**

for **HCS** for **HB 327**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

On motion of Senator Griesheimer, **SS** for **SCS** for **HCS** for **HB 327**, as amended, was read the 3rd time and passed by the following vote:

## YEAS—Senators

Bray	Callahan	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Green
Griesheimer	Gross	Justus	Kennedy
Koster	Loudon	Mayer	McKenna
Nodler	Ridgeway	Rupp	Shields
Shoemyer	Smith	Vogel	Wilson—28

## NAYS—Senators

Barnitz	Bartle	Lager	Purgason
Scott	Stouffer—6		

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

Bray	Callahan	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Graham	Green	Griesheimer
Gross	Justus	Kennedy	Koster
Loudon	Mayer	McKenna	Nodler
Rupp	Shields	Shoemyer	Smith
Stouffer	Vogel	Wilson—27	

## NAYS—Senators

Barnitz	Bartle	Goodman	Lager
Purgason	Ridgeway	Scott—7	

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.

**THIRD READING OF SENATE BILLS**

**SS No. 2** for **SCS** for **SB 204**, introduced by Senator Stouffer, entitled:

**SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 204**

An Act to repeal sections 142.031, 414.255, and 414.365, RSMo, and to enact in lieu thereof three new sections relating to biodiesel, with penalty provisions.

Was taken up.

On motion of Senator Stouffer, **SS No. 2** for **SCS** for **SB 204** was read the 3rd time and passed by the following vote:

## YEAS—Senators

Barnitz	Bray	Champion	Clemens
Coleman	Crowell	Days	Engler
Gibbons	Goodman	Graham	Griesheimer
Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler
Rupp	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—28

## NAYS—Senators

Bartle	Callahan	Green	Gross
Purgason	Ridgeway—6		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President 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.

### SENATE BILLS FOR PERFECTION

At the request of Senator Loudon, **SB 668**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Koster, **SB 496**, with **SCS**, was placed on the Informal Calendar.

**SB 660**, **SB 553**, **SB 557**, **SB 167**, **SB 258**, **SB 114** and **SB 378**, with **SCS**, were placed on the Informal Calendar.

**SB 555** and **SB 38**, with **SCS**, were placed on the Informal Calendar.

**SB 499**, with **SCS**, was placed on the Informal Calendar.

**SB 572** was placed on the Informal Calendar.

**SB 627** was placed on the Informal Calendar.

At the request of Senator Engler, **SB 599**, with **SCS**, was placed on the Informal Calendar.

**SB 205**, with **SCS**, was placed on the Informal Calendar.

At the request of Senator Lager, **SB 521**, with **SCS**, was placed on the Informal Calendar.

Senator Goodman moved that **SB 611**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 611**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 611

An Act to repeal sections 600.011 and 600.042, RSMo, and to enact in lieu thereof four new sections relating to the public defender system.

Was taken up.

Senator Goodman moved that **SCS** for **SB 611** be adopted.

Senator Gross offered **SA 1**:

#### SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 611, Page 4, Section 600.047, Lines 1-2, by striking all of said lines and inserting in lieu thereof the following:

**“600.047. 1. Subject to appropriations, moneys from the general revenue fund may be appropriated for the purpose of paying contract counsel to represent eligible”**; and

Further amend said bill and section, page 5, lines 19-26, by striking all of said lines from the bill; and

Further amend said bill, section, and page, lines 27-28, by striking all of said lines and inserting in lieu thereof the following:

**“2. The office of the Missouri state public defender shall have the”**; and

Further amend said bill, section, and page, line 35 by striking the words “the contract indigent defense fund” and inserting in lieu thereof the following:

**“the provisions of this section”**; and

Further amend line 49 by striking the words “This fund” and inserting in lieu thereof the following:

**“Moneys from the general revenue fund”**; and

Further amend line 52 by striking the words “the fund” and inserting in lieu thereof the following:

**“moneys from the general revenue fund”**.

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

Senator Goodman moved that **SCS** for **SB 611**, as amended, be adopted, which motion

prevailed.

On motion of Senator Goodman, **SCS** for **SB 611**, as amended, was declared perfected and ordered printed.

President Pro Tem Gibbons assumed the Chair.

### SIGNING OF BILLS

The President Pro Tem announced that all other business would be suspended and **SS** for **HCS** for **HB 453**, having passed both branches of the General Assembly, would be read at length by the Secretary, and if no objections be made, the bill would be signed by the President Pro Tem to the end that it may become law. No objections being made, the bill was so read by the Secretary and signed by the President Pro Tem.

Senator Scott assumed the Chair.

### SENATE BILLS FOR PERFECTION

Senator Loudon moved that **SB 5**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 5**, entitled:

#### SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 5

An Act to repeal sections 573.025, 573.035, and 573.037, RSMo, and to enact in lieu thereof five new sections relating to child pornography, with penalty provisions.

Was taken up.

Senator Loudon moved that **SCS** for **SB 5** be adopted.

Senator Loudon offered **SS** for **SCS** for **SB 5**, entitled:

#### SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 5

An Act to repeal sections 195.503, 573.025, 573.035, 573.037, and 650.120, RSMo, and to enact in lieu thereof seven new sections relating to sexual offenses against children, with penalty

provisions and an emergency clause for certain sections.

Senator Loudon moved that **SS** for **SCS** for **SB 5** be adopted.

Senator Engler assumed the Chair.

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

#### SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 8, Section 650.120, Line 10 of said page, by inserting after all of said line the following:

**“Section 1. A child custody order shall be modified if a parent having sole or joint custody of a child is in a continuing social relationship of a romantic or intimate nature with a person required to register as a sex offender under section 589.400 to 589.425, RSMo.”; and**

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

Senator Loudon offered **SA 1** to **SA 1**, which was read:

#### SENATE AMENDMENT NO. 1 TO SENATE AMENDMENT NO. 1

Amend Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 1, Section 1, Line 3, by striking the word “shall” and inserting the word “may”.

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

**SA 1**, as amended, was again taken up.

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

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

## SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 2, Section 537.047, Line 14, by inserting immediately at the end of said line the following:

**“Any person deemed to have sustained injury or illness as described by this section shall be deemed to have sustained damages of no less than one hundred fifty thousand dollars in value.”**

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

President Kinder assumed the Chair.

Senator Goodman assumed the Chair.

Senator Bartle offered SA 3:

## SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 5, Page 2, Section 537.047, Line 23, by inserting immediately after all of said line the following:

“566.147. 1. Any person who, since July 1, 1979, has been or hereafter has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the provisions of this chapter or the provisions of subsection 2 of section 568.020, RSMo, incest; section 568.045, RSMo, endangering the welfare of a child in the first degree; subsection 2 of section 568.080, RSMo, use of a child in a sexual performance; section 568.090, RSMo, promoting a sexual performance by a child; section 573.023, RSMo, sexual exploitation of a minor; section 573.025, RSMo, promoting child pornography in the first degree; section 573.035, RSMo, promoting child pornography in the second degree; section 573.037, RSMo, possession of child pornography, or section 573.040, RSMo, furnishing pornographic material to minors; shall not reside within one thousand feet of any public school as defined in section 160.011, RSMo, or any private school giving instruction in a grade or grades not

higher than the twelfth grade, or child-care facility as defined in section 210.201, RSMo, which is in existence at the time the individual begins to reside at the location.

2. If such person has already established a residence and a public school, a private school, or child-care facility is subsequently built or placed within one thousand feet of such person's residence, then such person shall, within one week of the opening of such public school, private school, or child-care facility, notify the county sheriff where such public school, private school, or child-care facility is located that he or she is now residing within one thousand feet of such public school, private school, or child-care facility and shall provide verifiable proof to the sheriff that he or she resided there prior to the opening of such public school, private school, or child-care facility.

3. [For purposes of this section, “resides” means sleeps in a residence, which may include more than one location and may be mobile or transitory] **The distance specified in subsections 1 and 2 of this section shall be determined by measuring the shortest distance between the property line of the person's residence and the property line of the school or child-care facility.**

4. Violation of the provisions of subsection 1 of this section is a class D felony except that the second or any subsequent violation is a class B felony. Violation of the provisions of subsection 2 of this section is a class A misdemeanor except that the second or subsequent violation is a class D felony.”; and

Further amend said bill, section B, page 8, line 12 by inserting immediately after “195.503” the following: “, 566.147”; and further amend line 17 by inserting immediately after “195.503” the following: “, 566.147”; and

Further amend the title and enacting clause accordingly.

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

Senator Loudon moved that **SS** for **SCS** for **SB 5**, as amended, be adopted, which motion prevailed.

On motion of Senator Loudon, **SS** for **SCS** for **SB 5**, as amended, was declared perfected and ordered printed.

**SB 537** was placed on the Informal Calendar.

**SB 523**, with **SCS**, was placed on the Informal Calendar.

**SB 542**, with **SCS**, was placed on the Informal Calendar.

**SB 592**, with **SCS**, was placed on the Informal Calendar.

**SB 664**, with **SCS**, was placed on the Informal Calendar.

**SB 212** was placed on the Informal Calendar.

**SB 654** was placed on the Informal Calendar.

**SB 563**, with **SCS**, was placed on the Informal Calendar.

**SB 635**, with **SCS**, was placed on the Informal Calendar.

**SB 586**, with **SCS**, was placed on the Informal Calendar.

**SB 358** was placed on the Informal Calendar.

Senator McKenna moved that **SB 616**, with **SCS**, be taken up for perfection, which motion prevailed.

**SCS** for **SB 616**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 616

An Act to repeal sections 311.070 and 311.240, RSMo, and to enact in lieu thereof five new sections relating to liquor control, with penalty provisions.

Was taken up.

Senator McKenna moved that **SCS** for **SB 616** be adopted.

Senator McKenna offered **SS** for **SCS** for **SB 616**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 616

An Act to repeal sections 311.070, 311.174, 311.178, 311.190, and 311.240, and to enact in lieu thereof nine new sections relating to liquor control, with penalty provisions.

Senator McKenna moved that **SS** for **SCS** for **SB 616** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 616, Page 17, Section 311.070, Line 20, by inserting immediately after the word "sold" the following: "[ "; and further amend line 21 by inserting after the word "winery" the following:

**"]. No holder of a wine manufacturer license, or any employee, officer, agent, subsidiary, or affiliate thereof, shall have more than six licenses to sell intoxicating liquor by the drink at retail for consumption on the premises".**

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

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 616, Page 23, Section 311.178, Line 12, by deleting "[ "; and

Further amend same page, same section, line 13, by striking "2007.]" and insert in lieu thereof **"2009."**

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

Senator McKenna moved that **SS** for **SCS** for **SB 616**, as amended, be adopted, which motion prevailed.

On motion of Senator McKenna, **SS** for **SCS** for **SB 616**, as amended, was declared perfected and ordered printed.

Senator Koster moved that **SB 496**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 496**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 496

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

Was taken up.

Senator Koster moved that **SCS** for **SB 496** be adopted.

Senator Koster offered **SS** for **SCS** for **SB 496**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 496

An Act to repeal sections 58.451, 58.720, 194.210, 194.220, 194.230, 194.233, 194.240, 194.250, 194.260, 194.270, 194.280, 194.290, 194.304, and 302.171, RSMo, and to enact in lieu thereof twenty-eight new sections relating to anatomical gifts, with penalty provisions.

Senator Koster moved that **SS** for **SCS** for **SB 496** be adopted.

Senator Griesheimer assumed the Chair.

Senator Justus offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 496, Page 15, Section 58.785, Line 8, by inserting

immediately after all of said line the following:

“194.119. 1. As used in this section, the term “right of sepulcher” means the right to choose and control the burial, cremation, or other final disposition of a dead human body.

2. For purposes of this chapter and chapters 193, 333, and 436, RSMo, and in all cases relating to the custody, control, and disposition of deceased human remains, including the common law right of sepulcher, where not otherwise defined, the term “next-of-kin” means the following persons in the priority listed if such person is eighteen years of age or older, is mentally competent, and is willing to assume responsibility for the costs of disposition:

(1) **An attorney-in-fact under a durable power of attorney that expressly refers to granting the right of sepulcher;**

(2) The surviving spouse;

[(2)] (3) Any surviving child of the deceased.

If a surviving child is less than eighteen years of age and has a legal or natural guardian, such child shall not be disqualified on the basis of the child's age and such child's legal or natural guardian, if any, shall be entitled to serve in the place of the child unless such child's legal or natural guardian was subject to an action in dissolution from the deceased. In such event the person or persons who may serve as next-of-kin shall serve in the order provided in subdivisions (3) to (8) of this subsection;

[(3)] (4) (a) Any surviving parent of the deceased; or

(b) If the deceased is a minor, a surviving parent who has custody of the minor; or

(c) If the deceased is a minor and the deceased's parents have joint custody, the parent whose residence is the minor child's residence for purposes of mailing and education;

[(4)] (5) Any surviving sibling of the deceased;

[(5) Any person designated by the deceased to act as next-of-kin pursuant to a valid designation of right of sepulcher as provided in subsection 8 of this section;]

(6) The next nearest surviving relative of the deceased by consanguinity or affinity;

(7) Any person or friend who assumes financial responsibility for the disposition of the deceased's remains if no next-of-kin assumes such responsibility;

(8) The county coroner or medical examiner; provided however that such assumption of responsibility shall not make the coroner, medical examiner, the county, or the state financially responsible for the cost of disposition.

3. The next-of-kin of the deceased shall be entitled to control the final disposition of the remains of any dead human being consistent with all applicable laws, including all applicable health codes.

4. A funeral director or establishment is entitled to rely on and act according to the lawful instructions of any person claiming to be the next-of-kin of the deceased; provided however, in any civil cause of action against a funeral director or establishment licensed pursuant to this chapter for actions taken regarding the funeral arrangements for a deceased person in the director's or establishment's care, the relative fault, if any, of such funeral director or establishment may be reduced if such actions are taken in reliance upon a person's claim to be the deceased person's next-of-kin.

5. Any person who desires to exercise the right of sepulcher and who has knowledge of an individual or individuals with a superior right to control disposition shall notify such individual or individuals prior to making final arrangements.

6. If an individual with a superior claim is personally served with written notice from a person with an inferior claim that such person desires to exercise the right of sepulcher and the

individual so served does not object within forty-eight hours of receipt, such individual shall be deemed to have waived such right. An individual with a superior right may also waive such right at any time if such waiver is in writing and dated.

7. If there is more than one person in a class who are equal in priority and the funeral director has no knowledge of any objection by other members of such class, the funeral director or establishment shall be entitled to rely on and act according to the instructions of the first such person in the class to make arrangements; provided that such person assumes responsibility for the costs of disposition and no other person in such class provides written notice of his or her objection.

[8. Any person may designate an individual to be his or her closest next-of-kin, regardless of blood or marital relationship, by means of a written instrument that is signed, dated, and verified. Such designation of right of sepulcher shall be witnessed by two persons, and shall contain the names and last known address of each person entitled to be next-of-kin but for the execution of the designation of right of sepulcher and who are higher in priority than the person so designated.]"; and

Further amend the title and enacting clause accordingly.

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

Senator Goodman assumed the Chair.

Senator Koster moved that **SS** for **SCS** for **SB 496**, as amended, be adopted, which motion prevailed.

On motion of Senator Koster, **SS** for **SCS** for **SB 496**, as amended, was declared perfected and ordered printed.

#### **MESSAGES FROM THE GOVERNOR**

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

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
April 12, 2007

TO THE SECRETARY OF THE SENATE  
94th GENERAL ASSEMBLY  
FIRST REGULAR SESSION  
STATE OF MISSOURI:

Herewith I return to you Senate Bill No. 257 entitled:

AN ACT

To amend chapter 44, RSMo, by adding thereto one new section relating to treatment of firearms during emergencies.

On April 12, 2007, I approved said Senate Bill No. 257.

Respectfully submitted,  
MATT BLUNT  
Governor

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
April 13, 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 A. Marchack, 1651 Garden Valley Drive, Glencoe, Saint Louis County, Missouri 63038, as a member of the Elevator Safety Board, for a term ending June 6, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
April 13, 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:

Mark H. Kinder, 4580 Highway 177, Cape Girardeau, Cape Girardeau County, Missouri 63701, as a member of the State Committee of Psychologists, for a term ending August 28, 2011, and until his successor is duly appointed and qualified; vice,

Rochelle Harris, term expired.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
April 13, 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:

Suzan J. Mehalko, 1749 Northeast Lakeshore Drive, Lee's Summit, Jackson County, Missouri 64086, as a member of the Elevator Safety Board, for a term ending June 6, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
April 13, 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:

Cheryl J. Cozette, Republican, 3490 Woods Edge Road, Columbia, Boone County, Missouri 65203, as a member of Truman State University Board of Governors, for a term ending January 1, 2012, and until her successor is duly appointed and qualified; vice, G. Ruth Mach, term expired.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
April 13, 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:

David A. Hamilton, Democrat, 28088 Lynx Avenue, Macon, Macon County, Missouri 63552, as a member of the Dam and

Reservoir Safety Council, for a term ending April 3, 2009, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
April 13, 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:

Elizabeth M. Pierson, 17806 County Road 320, Norborne, Carroll County, Missouri 64668, as a member of the Advisory Committee for 911 Service Oversight, for a term ending April 9, 2008, and until her successor is duly appointed and qualified; vice, Carol Freeman, resigned.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
April 13, 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:

Lydia C. Hurst, 18541 State Highway O, Tarkio, Atchison County, Missouri 64491, as a member of the Northwest Missouri State University Board of Regents, for a term ending January 1, 2013, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
April 16, 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:

Brenda K. Shields, 47 Erin Court, Saint Joseph, Buchanan

County, Missouri 64507, as a member of the Coordinating Board for Early Childhood, for a term ending at the pleasure of the Governor, and until her successor is duly appointed and qualified; vice, 210.102, RSMo.

Respectfully submitted,  
MATT BLUNT

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

## HOUSE BILLS ON SECOND READING

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

**HCS for HB 457**—Ways and Means.

**HCS for HB 227**—Ways and Means.

**HCS for HB 914**—Financial and Governmental Organizations and Elections.

**HCS for HB 298**—Commerce, Energy and the Environment.

**HCS for HB 818**—Health and Mental Health.

**HCS for HBs 654 and 938**—Pensions, Veterans' Affairs and General Laws.

**HCS for HB 945**—Judiciary and Civil and Criminal Jurisprudence.

**HB 213**—Education.

## REFERRALS

President Pro Tem Gibbons referred **SS** for **SB 40** and **HCS for HB 39**, with **SCS**, to the Committee on Governmental Accountability and Fiscal Oversight.

## MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 801**, entitled:

An Act to repeal section 392.410, RSMo, and to enact in lieu thereof one new section relating to

telecommunications.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 343**, entitled:

An Act to repeal section 260.546, RSMo, and to enact in lieu thereof one new section relating to hazardous substances.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House refuses to adopt **SS**, as amended, for **SS** for **SCS** for **HCS** for **HB 327** and requests the Senate to recede from its position and failing to do so grant the House a conference thereon.

#### PRIVILEGED MOTIONS

Senator Griesheimer moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HCS** for **HB 327**, as amended, and grant the House a conference thereon, which motion prevailed.

#### CONFERENCE COMMITTEE

##### APPOINTMENTS

President Pro Tem Gibbons appointed the

following conference committee to act with a like committee from the House on **SS** for **SCS** for **HCS** for **HB 327**, as amended: Senators Griesheimer, Koster, Crowell, Callahan and Kennedy.

#### 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 86** and **SCS** for **SB 611**, 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.

#### INTRODUCTIONS OF GUESTS

Senator Nodler introduced to the Senate, Doug Gripka and Morgan Larson, Granby.

Senator Green introduced to the Senate, his daughter, Megan Ann, St. Louis; who was made an honorary page.

Senator Ridgeway introduced to the Senate, Bob and Cindy Sevier, Clay County.

Senator Days introduced to the Senate, former State Senator Wayne Goode, St. Louis.

The President introduced to the Senate, former State Senator Charles Wheeler, Kansas City.

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

#### SENATE CALENDAR

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FIFTY-FIFTH DAY—TUESDAY, APRIL 17, 2007

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#### FORMAL CALENDAR

#### HOUSE BILLS ON SECOND READING

## THIRD READING OF SENATE BILLS

SS for SB 40-Ridgeway  
(In Fiscal Oversight)  
SS for SB 31-Nodler

SCS for SB 86-Champion  
SCS for SB 611-Goodman

## SENATE BILLS FOR PERFECTION

- |   |   |
|---|---|
| 1. SB 644-Griesheimer                           | 7. SB 699-Lager, with SCS                         |
| 2. SBs 372 & 366-Justus and Koster,<br>with SCS | 8. SB 11-Coleman, with SCS                        |
| 3. SB 388-Mayer, with SCS                       | 9. SB 536-Lager, with SCS                         |
| 4. SB 225-Stouffer, with SCS                    | 10. SB 552-Bartle                                 |
| 5. SB 571-Mayer, with SCS                       | 11. SB 484-Stouffer, with SCS                     |
| 6. SB 652-Coleman and Gibbons, with SCS         | 12. SBs 348, 626 & 461-Koster, et al,<br>with SCS |

## HOUSE BILLS ON THIRD READING

- |                                       |  |
|---------------------------------------|--|
| 1. HCS for HB 221 (Loudon)            | 7. HCS for HB 469, with SCS (Crowell)                        |
| 2. HB 454-Jetton, et al (Mayer)       | 8. HCS for HB 620, with SCS (Ridgeway)                       |
| 3. HCS for HJR 1, with SCS (Rupp)     | 9. HCS for HB 39, with SCS (Koster)<br>(In Fiscal Oversight) |
| 4. HCS for HB 346 (Clemens)           | 10. HCS for HB 774 (Crowell)                                 |
| 5. HB 155-Dusenberg, et al (Ridgeway) | 11. HB 269-Nolte, et al (Ridgeway)                           |
| 6. HB 69-Day, with SCS (Barnitz)      |  |

## INFORMAL CALENDAR

## SENATE BILLS FOR PERFECTION

- |                                   |   |
|-----------------------------------|---|
| SB 2-Gibbons, with SCS            | SB 168-Mayer and Crowell, with SCS                    |
| SB 17-Shields, with SCS           | SB 169-Rupp, with SCS, SS for SCS & SA 3<br>(pending) |
| SB 20-Griesheimer, with SCS       | SB 205-Stouffer and Gibbons, with SCS                 |
| SB 27-Bartle and Koster           | SB 212-Goodman  |
| SB 53-Koster and Engler, with SCS | SB 213-McKenna  |
| SB 75-Coleman, et al, with SCS    | SB 242-Nodler, with SCS                               |
| SB 101-Mayer                      | SB 250-Ridgeway and Vogel                             |
| SB 131-Rupp                       | SB 252-Ridgeway and McKenna                           |
| SB 153-Engler, et al, with SCS    | SB 254-Nodler, et al, with SCS                        |
| SB 155-Engler, with SCS           | SBs 260 & 71-Koster, et al, with SCS                  |
| SB 160-Rupp, with SCS             |   |

SB 274-Shields  
SB 282-Griesheimer, with SCS & SS for  
SCS (pending)  
SB 287-Crowell and Vogel, with SS  
(pending)  
SB 292-Mayer  
SB 297-Loudon, with SCS  
SB 300-Bartle  
SS for SB 303-Loudon  
SB 341-Goodman, with SCS  
SB 358-Engler  
SB 363-Bartle  
SB 364-Koster, with SCS, SS for SCS,  
SA 1 & SSA 1 for SA 1 (pending)  
SB 368-Barnitz, et al, with SCS  
SBs 370, 375 & 432-Scott and Koster,  
with SCS & SA 3 (pending)  
SB 385-Gibbons, with SCS  
SB 389-Nodler, et al, with SCS & SS#4  
for SCS (pending)  
SB 391-Days, with SCS  
SB 400-Crowell, et al  
SB 428-Purgason, with SCS  
SB 430-Shields, et al, with SCS, SS#2  
for SCS, SA 4 & SSA 3 for SA 4  
(pending)  
SB 444-Goodman  
SB 453-Scott, with SCS  
SB 458-Gibbons  
SB 476-Crowell  
SB 480-Ridgeway, et al, with SCS  
SB 492-Crowell  
SB 499-Engler and Clemens, with SCS  
SB 511-Scott, with SCS  
SB 521-Lager, et al, with SCS  
SB 523-Scott, with SCS  
SB 531-Gibbons, with SCS  
SB 534-Nodler  
SB 537-Lager  
SB 542-Scott, with SCS  
SBs 555 & 38-Gibbons, with SCS  
SB 563-Lager, with SCS  
SB 570-Clemens  
SB 572-Vogel  
SB 586-Crowell, with SCS  
SB 592-Scott, with SCS  
SB 599-Engler, with SCS  
SB 627-Ridgeway  
SB 635-Loudon, with SCS  
SB 654-Kennedy  
SBs 660, 553, 557, 167, 258, 114 &  
378-Mayer, with SCS  
SB 664-Scott, with SCS  
SB 668-Loudon, with SCS  
SB 698-Ridgeway, et al, with SCS

HOUSE BILLS ON THIRD READING

HJR 7-Nieves, et al, with SCS (Engler)

CONSENT CALENDAR

Senate Bills

Reported 2/8

SB 211-Goodman

Reported 2/15

SB 8-Kennedy

Reported 3/8

SB 185-Green

House Bills

Reported 4/5

HB 62-Ruestman, et al (Nodler)  
 HCS for HB 405 (Scott)  
 HB 754-Kelly, et al (Vogel)

HB 576-Cooper (120), et al (Clemens)  
 HB 264-Cunningham (86) (Rupp)  
 HB 732-Parson, et al (Scott)

Reported 4/12

HCS for HB 780, with SCS (Scott)  
 HB 554-Cooper (155), et al  
 HCS for HB 555  
 HB 125-Franz, with SCS (Shoemyer)  
 HB 268-Moore and Bivins  
 HCS for HB 459  
 HB 467-Cox (Scott)  
 HCS for HB 616 (Goodman)  
 HB 665-Ervin, et al (Ridgeway)  
 HB 205-Marsh, et al (Griesheimer)  
 HCS for HB 795, with SCS  
 HB 684-Bruns, with SCS  
 HB 740-Pearce, with SCS (Koster)

HCS for HB 272 (Goodman)  
 HB 344-Munzlinger, et al (Clemens)  
 HB 351-Wood, et al (Goodman)  
 HB 428-Cox (Scott)  
 HB 680-May, et al (Clemens)  
 HB 75-Sutherland  
 HB 265-Cunningham (86) (Rupp)  
 HB 267-Jones (117) and Cunningham (86)  
 (Rupp)  
 HB 56-Sater, et al (Goodman)  
 HB 933-Grill, et al (Shields)  
 HCS for HB 796 (Purgason)  
 HB 574-St. Onge

**BILLS IN CONFERENCE AND BILLS  
 CARRYING REQUEST MESSAGES**

In Conference

HCS for HB 327, with SS for SCS, as  
 amended (Griesheimer)

**RESOLUTIONS**

Reported from Committee

HCR 15-Threlkeld, et al, with SCS  
 (Shields)

SCR 10-Koster and Shields  
 HCR 25-Yates, et al (Bartle)