

# Journal of the Senate

SECOND REGULAR SESSION

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SEVENTH DAY—TUESDAY, JANUARY 22, 2008

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“For the Lord is righteous; he loves righteous deeds; the upright shall behold his face.” (Psalm 11:7)

Righteous Lord, we come again to do the work You would have us do, mindful of Your servant Martin Luther King who walked along the path You led him; to teach us to love one another and do whatever we can for others no matter of race, creed or religious persuasion. Help us to make our deeds worthy to be called righteous and follow the path You would lead us. 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.

President Pro Tem Gibbons assumed the Chair.

The Journal for Thursday, January 17, 2008 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	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
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 Graham offered Senate Resolution No. 1542, regarding the Class 1 State Softball Champion Lady Bearcats; Northeast Randolph County R-IV, which was adopted.

Senator Goodman offered Senate Resolution No. 1543, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Donald Ray Schlessman, Pineville, which was adopted.

Senator Clemens offered Senate Resolution No. 1544, regarding Justin Dale Snider, Republic, which was adopted.

Senator Purgason offered Senate Resolution No. 1545, regarding Helen L. Minor, which was adopted.

Senator Loudon offered Senate Resolution No. 1546, regarding Jerry Right, Chesterfield, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1547, regarding the One Hundredth Anniversary of the Order of the Eastern Star Chapter #40, Kahoka, which was adopted.

Senator Loudon offered Senate Resolution No. 1548, regarding Thom Sehnert, which was adopted.

Senator Crowell offered Senate Resolution No. 1549, regarding the Sixtieth Wedding Anniversary of Earl and Irene Siemers, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 1550, regarding Becka Hollis, Cape Girardeau, which was adopted.

Senator Smith offered Senate Resolution No. 1551, regarding Maria Katherine Klimenko, St. Louis, which was adopted.

Senator Crowell offered Senate Resolution No. 1552, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Glen Cox, Delta, which was adopted.

Senator Crowell offered Senate Resolution No. 1553, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. James Kidd, Gordonville, which was adopted.

Senator Crowell offered Senate Resolution No. 1554, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Richard J. Hill, Cape Girardeau, which was adopted.

Senator Bray offered Senate Resolution No. 1555, regarding Language Solutions, Inc., Clayton, which was adopted.

**INTRODUCTION OF BILLS**

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

**SB 980**—By Ridgeway.

An Act to repeal sections 86.1180, 86.1200, and 86.1560, RSMo, and section 86.1230 as enacted by senate bill no. 172, ninety-fourth general assembly, first regular session, and to enact in lieu thereof three new sections relating to the police retirement system and the civilian employees' retirement system of the police department of Kansas City.

**SB 981**—By Purgason.

An Act to repeal section 263.232, RSMo, and to enact in lieu thereof one new section relating to

noxious weed control.

**SB 982**–By Purgason.

An Act to amend chapter 578, RSMo, by adding thereto one new section relating to the removal of a dog collar, with penalty provisions.

**SB 983**–By Purgason.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to intellectual diversity.

**SB 984**–By Shoemyer.

An Act to repeal section 173.250, RSMo, and to enact in lieu thereof one new section relating to a higher education academic scholarship program.

**SB 985**–By Shoemyer.

An Act to repeal section 575.060, RSMo, and to enact in lieu thereof one new section relating to false declarations, with penalty provisions.

**SB 986**–By Shoemyer.

An Act to amend chapter 407, RSMo, by adding thereto six new sections relating to motor vehicle damage appraisers, with penalty provisions.

**SB 987**–By Shoemyer.

An Act to repeal section 208.955, RSMo, and to enact in lieu thereof one new section relating to the MO HealthNet oversight committee.

**SB 988**–By Shoemyer.

An Act to repeal sections 313.055 and 313.057, RSMo, and to enact in lieu thereof two new sections relating to tax exemptions for certain organizations, with penalty provisions.

**SB 989**–By Wilson.

An Act to amend chapter 135, RSMo, by adding thereto one new section relating to an income tax credit for poll workers.

**SB 990**–By Champion.

An Act to amend chapter 198, RSMo, by adding thereto one new section relating to nursing homes.

**SB 991**–By Loudon and Kennedy.

An Act to amend chapter 10, RSMo, by adding thereto one new section relating to the official state dessert.

**SB 992**–By Loudon.

An Act to repeal section 137.115, RSMo, and to enact in lieu thereof one new section relating to assessment of real property, with a contingent effective date.

**SB 993**–By Crowell.

An Act to amend chapter 163, RSMo, by adding thereto six new sections relating to the Missouri

special needs scholarship tax credit program.

**SB 994**—By Crowell.

An Act to repeal section 169.010, RSMo, and to enact in lieu thereof one new section relating to the public school retirement system of Missouri.

**SB 995**—By Crowell.

An Act to repeal sections 160.261, 167.621, 167.624, and 190.092, RSMo, and to enact in lieu thereof four new sections relating to liability for school employees and volunteers, with penalty provisions.

**SB 996**—By Crowell.

An Act to repeal section 376.980, RSMo, and to enact in lieu thereof one new section relating to the transfer of certain sales or use tax credits or offsets by Missouri health insurance pool members.

**SB 997**—By Crowell.

An Act to repeal sections 86.107 and 86.590, RSMo, and to enact in lieu thereof two new sections relating to investments by the board of trustees of police and firemen's pension systems.

**SB 998**—By Crowell.

An Act to repeal section 494.425, RSMo, and to enact in lieu thereof one new section relating to persons ineligible to serve on juries.

**SB 999**—By Scott.

An Act to repeal section 427.225, RSMo, and to enact in lieu thereof one new section relating to the deceptive use of a financial institution's name.

**SB 1000**—By Justus.

An Act to amend chapters 167 and 210, RSMo, by adding thereto three new sections relating to educational needs and rights for foster children.

**SB 1001**—By Justus, Wilson and Callahan.

An Act to amend chapter 311, RSMo, by adding thereto one new section relating to liquor licenses for certain festival districts.

**SB 1002**—By Justus, Wilson and Callahan.

An Act to repeal section 89.120, as enacted by senate committee substitute for house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session, and section 89.120, as enacted by senate committee substitute for house bill no. 1352, eighty-ninth general assembly, second regular session, and to enact in lieu thereof one new section relating to zoning violation remedies, with penalty provisions.

**SB 1003**—By Bray.

An Act to repeal sections 116.080 and 116.090, RSMo, and to enact in lieu thereof three new sections relating to initiative and referendum petitions, with penalty provisions.

**SB 1004**—By Bray.

An Act to repeal section 160.405, RSMo, and to enact in lieu thereof one new section relating to charter schools.

**SB 1005**—By Bray and Griesheimer.

An Act to amend chapter 445, RSMo, by adding thereto seventy-six new sections relating to the uniform planned community act.

**SJR 44**—By Loudon.

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.

**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

January 15, 2008

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:

Gregory B. Allen, 3732 Belleview, Kansas City, Jackson County, Missouri 64111, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2009, and until his successor is duly appointed and qualified; vice, Benedict Zobrist, deceased.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 15, 2008

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:

Thomas L. Couch, 255 Seraphin Street, Sainte Genevieve, Sainte Genevieve County, Missouri 63670, as a member of the State Blasting Safety Board, for a term ending January 15, 2011, and until his successor is duly appointed and qualified; vice, RSMo 319.324.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 15, 2008

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:

Keith M. Henderson, 8 White Pine Court, Union, Franklin County, Missouri 63084, as a member of the State Blasting Safety Board, for

a term ending January 15, 2010, and until his successor is duly appointed and qualified; vice, RSMo 319.324.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 15, 2008

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:

Theodore L. Martin, 150 Meadow Avenue, Branson, Taney County, Missouri 65616, as a member of the State Blasting Safety Board, for a term ending January 15, 2009, and until his successor is duly appointed and qualified; vice, RSMo 319.324.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 15, 2008

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:

Gary J. Pendergrass, 4032 South Gatlin Court, Springfield, Greene County, Missouri 65807, as a member of the Board of Geologist Registration, for a term ending April 11, 2010, and until his successor is duly appointed and qualified; vice, Lisa Hosey, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

January 15, 2008

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:

Gregory A. Roebach, 301 Stonehenge Drive, Washington, Franklin County, Missouri 63090, as a member of the State Committee for Professional Counselors, for a term ending August 28, 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  
January 15, 2008

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:

Jolene M. Schulz, Democrat, 1716 Stirling Court, Columbia, Boone County, Missouri 65203, as a member of the Missouri Community Service Commission, for a term ending December 15, 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  
January 15, 2008

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:

Toni R. Schwartz, Republican, 315 Cedar Avenue, Jonesburg, Montgomery County, Missouri 63351, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 2013, and until her successor is duly appointed and qualified; vice, Mike Kehoe, term expired.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
January 15, 2008

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:

John D. Starr, Democrat, 833 West 51<sup>st</sup> Street, Kansas City, Jackson County, Missouri 64112, as a member of the Missouri Development Finance Board, for a term ending September 14, 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  
January 15, 2008

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:

Randall M. Wheeler, 2401 Walnut Avenue, Joplin, Jasper County, Missouri 64804, as a member of the State Blasting Safety Board, for a term ending January 15, 2012, and until his successor is duly appointed and qualified; vice, RSMo 319.324.

Respectfully submitted,

MATT BLUNT

### 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 2021**, entitled:

An Act to appropriate money for supplemental purposes for the Department of Conservation, for the purchase of equipment, and for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, from the funds designated for the fiscal period ending June 30, 2008.

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 **HB 2022**, entitled:

An Act to appropriate money for supplemental purposes for the Department of Public Safety, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2008.

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 **HB 2015**, entitled:

An Act to appropriate money for supplemental purposes for the Department of Social Services, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2008.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### REFERRALS

President Pro Tem Gibbons referred **SCR 27** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

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



## **SECOND READING OF SENATE BILLS**

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

- SB 956**—Commerce, Energy and the Environment.
- SB 957**—Ways and Means.
- SB 958**—Commerce, Energy and the Environment.
- SB 959**—Judiciary and Civil and Criminal Jurisprudence.
- SB 960**—Judiciary and Civil and Criminal Jurisprudence.
- SRB 961**—Governmental Accountability and Fiscal Oversight.
- SB 962**—Seniors, Families and Public Health.
- SB 963**—Transportation.
- SB 964**—Ways and Means.
- SB 965**—Education.
- SB 966**—Small Business, Insurance and Industrial Relations.
- SB 967**—Education.
- SB 968**—Judiciary and Civil and Criminal Jurisprudence.
- SB 969**—Financial and Governmental Organizations and Elections.
- SB 970**—Financial and Governmental Organizations and Elections.
- SB 971**—Agriculture, Conservation, Parks and Natural Resources.
- SB 972**—Health and Mental Health.
- SB 973**—Small Business, Insurance and Industrial Relations.
- SB 974**—Health and Mental Health.
- SB 975**—Judiciary and Civil and Criminal Jurisprudence.
- SB 976**—Judiciary and Civil and Criminal Jurisprudence.
- SB 977**—Pensions, Veterans' Affairs and General Laws.
- SB 978**—Economic Development, Tourism and Local Government.
- SB 979**—Ways and Means.
- SJR 43**—Governmental Accountability and Fiscal Oversight.

## **RE-REFERRALS**

President Pro Tem Gibbons re-referred **SB 905** to the Committee on Transportation.

President Pro Tem Gibbons re-referred **SB 770** to the Committee on Pensions, Veterans' Affairs and General Laws.

**INTRODUCTIONS OF GUESTS**

Senator Kennedy introduced to the Senate, Lorraine Ura, and Gary, Barbara and Alex Vehlewald, St. Louis.

Senator Wilson introduced to the Senate, Tiara Williamson, St. Louis.

Senator Justus introduced to the Senate, Casey Bruce, South St. Louis County.

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

**SENATE CALENDAR**

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EIGHTH DAY—WEDNESDAY, JANUARY 23, 2008  
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**FORMAL CALENDAR****SECOND READING OF SENATE BILLS**

SB 980-Ridgeway	SB 994-Crowell
SB 981-Purgason	SB 995-Crowell
SB 982-Purgason	SB 996-Crowell
SB 983-Purgason	SB 997-Crowell
SB 984-Shoemyer	SB 998-Crowell
SB 985-Shoemyer	SB 999-Scott
SB 986-Shoemyer	SB 1000-Justus
SB 987-Shoemyer	SB 1001-Justus, et al
SB 988-Shoemyer	SB 1002-Justus, et al
SB 989-Wilson	SB 1003-Bray
SB 990-Champion	SB 1004-Bray
SB 991-Loudon and Kennedy	SB 1005-Bray and Griesheimer
SB 992-Loudon	SJR 44-Loudon
SB 993-Crowell	

**HOUSE BILLS ON SECOND READING**

HB 2021-Icet  
HB 2022-Icet

HB 2015-Icet

INFORMAL CALENDAR

RESOLUTIONS

SR 1515-Coleman

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