Journal of the Senate

SECOND REGULAR SESSION

SEVENTEENTH DAY—THURSDAY, FEBRUARY 7, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

"O Lord what are human beings that you regard them, or mortals that you think of them?" (Psalm 144)

Merciful God, we are mindful of our weaknesses and inadequacies and often forget the frailness of our human state, so we call on You to help us remember whose we are and to be humble with those we spend this day and weekend with and always remember to treat them with dignity and respect. In this frailty of life we are mindful of the death of Senator John Loudon's father and commend him to Your loving care. And we pray for the Loudon family that You might comfort them with the memory of Your mercy and care and be an ever present help to them. 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	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Kennedy	Lager	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

Absent-Senators-None

Absent with leave—Senators Champion Koster Loudon—3

Vacancies-None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Crowell offered Senate Resolution No. 1752, regarding David Ward, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 1753, regarding Margaret Miller, Madison County, which was adopted.

Senator Crowell offered Senate Resolution No. 1754, regarding Black River Electric Cooperative, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 1755, regarding Bob Seabaugh, Fredericktown, which was adopted.

Senator Crowell offered Senate Resolution No. 1756, regarding Irene Cureton, Fredericktown, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1757, regarding Virgena Rae Gibson, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1758, regarding Melissa Ann Orr, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1759, regarding Judy Allen, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1760, regarding Chrisele Dawn Abell, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1761, regarding Karen Keck, which was adopted.

Senator Crowell offered Senate Resolution No. 1762, regarding Barrett-Jenson Chevrolet, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1763, regarding Benny Lee, Kansas City, which was adopted.

Senator Crowell offered Senate Resolution No. 1764, regarding Bill Tesreau, which was adopted.

INTRODUCTION OF BILLS

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

SB 1096-By Graham.

An Act to amend chapter 36, RSMo, by adding thereto one new section relating to spousal leave records.

SB 1097-By Graham.

An Act to repeal section 221.515, RSMo, and to enact in lieu thereof one new section relating to powers of jailers.

SB 1098–By Bray and Engler.

An Act to repeal sections 383.015, 383.016, 383.020, 383.035, and 383.206, RSMo, and to enact in lieu thereof six new sections relating to medical malpractice insurance.

SB 1099-By Graham.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of

the Carl Edwards Drive.

SB 1100–By Bray and Smith.

An Act to amend chapter 640, RSMo, by adding thereto one new section relating to green building standards.

SB 1101–By Bray and Days.

An Act to amend chapter 354, RSMo, by adding thereto twenty-two new sections relating to the Missouri universal health assurance program, with a contingent effective date for certain sections.

SB 1102–By Bray.

An Act to repeal sections 21.145, 105.456, 105.961, 105.963, 130.021, RSMo, and section 130.032 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate bill no. 16, eighty-ninth general assembly, first regular session, and section 130.032 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, and sections 130.047 and 130.048, RSMo, and to enact in lieu thereof eleven new sections relating to ethics, with penalty provisions.

SB 1103-By Gibbons.

An Act to repeal sections 210.903, 210.906, 210.909, and 210.921, RSMo, and to enact in lieu thereof four new sections relating to the family care safety registry, with penalty provisions.

SB 1104–By Kennedy and Smith.

An Act to amend chapter 537, RSMo, by adding thereto one new section relating to granting immunity to law enforcement agencies for damages caused by vehicular pursuits.

SB 1105-By Coleman.

An Act to amend chapter 143, RSMo, by adding thereto one new section relating to an income tax check-off for contributions to the Breast Cancer Awareness Trust Fund.

SB 1106-By Scott.

An Act to repeal sections 210.109, 210.110, 210.135, 210.145, 210.150, 210.152, 210.153, 210.183, and 210.903, RSMo, and to enact in lieu thereof nine new sections relating to child abuse and neglect, with penalty provisions.

SB 1107–By Scott, Vogel, Goodman, Purgason, Clemens, Rupp, Dempsey, Gibbons and Shields.

An Act to repeal sections 304.157, 306.010, 306.015, 306.100, 306.111, 306.112, 306.114, 306.117, 306.124, 306.125, 306.126, 306.127, 306.132, 306.147, 306.163, 306.221, 565.024, 565.082, and 577.080, RSMo, and to enact in lieu thereof twenty new sections relating to the water patrol, with penalty provisions.

SB 1108-By Scott.

An Act to repeal section 425.010, RSMo, and to enact in lieu thereof six new sections relating to debt settlement providers, with penalty provisions.

SB 1109-By Scott.

An Act to repeal sections 337.500 and 337.510, RSMo, and to enact in lieu thereof two new sections

relating to licensed professional counselors.

President Pro Tem Gibbons assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Scott, Chairman of the Committee on Financial and Governmental Organizations and Elections, submitted the following report:

Mr. President: Your Committee on Financial and Governmental Organizations and Elections, to which was referred **SB 724**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Vogel, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. President: Your Committee on Ways and Means, to which was referred **SB 711**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Griesheimer, Chairman of the Committee on Economic Development, Tourism and Local Government, submitted the following reports:

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 718**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 935**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 801**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 845**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 820**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 943**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Economic Development, Tourism and Local Government, to which was referred **SB 978**, begs leave to report that it has considered the same and recommends that the bill do pass and be placed on the Consent Calendar.

Senator Bartle, Chairman of the Committee on the Judiciary and Civil and Criminal Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which were referred **SB 747** and **SB 736**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Clemens, Chairman of the Committee on Agriculture, Conservation, Parks and Natural Resources, submitted the following reports:

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 759**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Agriculture, Conservation, Parks and Natural Resources, to which was referred **SB 931**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Crowell, Chairman of the Committee on Pensions, Veterans' Affairs and General Laws, submitted the following reports:

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 994**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Pensions, Veterans' Affairs and General Laws, to which was referred **SB 830**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Mayer, Chairman of the Committee on Education, submitted the following report:

Mr. President: Your Committee on Education, to which was referred **SB 726**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Engler, Chairman of the Committee on Commerce, Energy and the Environment, submitted the following reports:

Mr. President: Your Committee on Commerce, Energy and the Environment, to which were referred **SB 840** and **SB 857**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Also,

Mr. President: Your Committee on Commerce, Energy and the Environment, to which was referred **SB 720**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Stouffer, Chairman of the Committee on Transportation, submitted the following reports:

Mr. President: Your Committee on Transportation, to which was referred **SB 760**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass and be placed on the Consent Calendar.

Also,

Mr. President: Your Committee on Transportation, to which were referred **SB 761** and **SB 774**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

Senator Scott assumed the Chair.

The Senate observed a moment of prayer on behalf of Michael N. Keathley.

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 February 6, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments to office submitted to you on January 9, 2008, for your advice and consent:

Mary I. Beveridge, 6164 Charlotte Street, Kansas City, Jackson County, Missouri 64110, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2009, and until her successor is duly appointed and qualified; vice, Mary I. Beveridge, withdrawn.

Donna M. Bushur, 7444 Lydia Avenue, Kansas City, Jackson County, Missouri 64131, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2008, and until her successor is duly appointed and qualified; vice, Deborah Curtis, resigned.

John L. Evans, Republican, 3789 South East Highway 33, Lathrop, Clinton County, Missouri 64465, as a member of the Amusement Ride Safety Board, for a term ending April 17, 2009, and until his successor is duly appointed and qualified; vice, John L. Evans, withdrawn.

Derio L. Gambaro, Democrat, 5320 Wilson Avenue, Saint Louis City, Missouri 63110, as a member of the State Board of Education, for a term ending July 1, 2012, and until his successor is duly appointed and qualified; vice, Derio L. Gambaro, withdrawn.

Anne E. McRoberts, Republican, Rural Route 1 Box 71, Malta Bend, Saline County, Missouri 65339, as a member of the Missouri Real Estate Appraisers Commission, for a term ending September 12, 2008, and until her successor is duly appointed and qualified; vice, E. Gail Beatty, resigned.

Michael G. Nordwald, Republican, 17615 H Highway, Liberty, Clay County, Missouri 64068, as a member of the Missouri

Alternative Fuels Commission, for a term ending March 25, 2011, and until his successor is duly appointed and qualified; vice, RSMo 414.420.

Dorothy E.A. Rowland, 20857 State Highway D, Dexter, Stoddard County, Missouri 63841, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Stephen G. Sanders, 6006 NW 101st Terrace, Kansas City, Platte County, Missouri 64154, as a member of the Child Abuse and Neglect Review Board, for a term ending April 7, 2010, and until his successor is duly appointed and qualified; vice, RSMo 210.153.

Daniel K. Carr, Republican, 1932 High Drive, Liberty, Clay County, Missouri 64068, as a member of the Missouri State Penitentiary Redevelopment Commission, for a term ending March 3, 2008, and until his successor is duly appointed and qualified; vice, Daniel K. Carr, withdrawn.

Respectfully submitted, MATT BLUNT

Also,

OFFICE OF THE GOVERNOR State of Missouri Jefferson City 65101 February 6, 2008

To the Senate of the 94th General Assembly of the State of Missouri:

I hereby withdraw from your consideration the following appointments to office submitted to you on February 1, 2008, for your advice and consent:

William M. Cohen, 13362 Pointe Conway Road, Saint Louis, Saint Louis County, Missouri 63141, as a member of the Missouri Dental Board, for a term ending October 16, 2012, and until his successor is duly appointed and qualified; vice, John Sheets, term expired.

Respectfully submitted, MATT BLUNT

Also,

OFFICE OF THE GOVERNOR State of Missouri Jefferson City 65101 February 6, 2008

REORGANIZATION PLAN NO. 2 2008

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF MISSOURI:

By virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including the Omnibus State Reorganization Act of 1974 and sections 26.500 through 26.540, RSMo, I hereby transmit Reorganization Plan No. 2of 2008, by Executive Order 08-04 to transfer the function of processing payments for examinations for sexual assault victims from the Department of Health and Senior Services to the Department of Public Safety.

The transfer of state payment of these services will improve efficiencies within state government, as the Department of Public Safety is the primary state agency for providing services to victims of crime.

Respectfully Submitted, MATT BLUNT

EXECUTIVE ORDER

08-04

WHEREAS, the Department of Health and Senior Services is authorized under Chapter 192, RSMo; and

WHEREAS, Section 191.225, RSMo, requires the Department of Health and Senior Services to pay for forensic examinations provided to victims of sexual offenses; and

WHEREAS, these payments currently are processed by the Department of Health and Senior Services, Division of Community and Public Health; and

WHEREAS, the Missouri Department of Public Safety is authorized under Article IV, Section 12, of the Missouri Constitution and Chapter 650, RSMo; and

WHEREAS, the Missouri State Highway Patrol is housed in the Department of Public Safety and currently distributes victim sexual assault kits to law enforcement and hospitals throughout the state; and

WHEREAS, the Crime Victims' Compensation Fund Program is within the Department of Public Safety and is the state agency that coordinates and provides financial assistance to victims of crime; and

WHEREAS, the administration of sexual assault examination payments would be strengthened by a move to the Department of Public Safety where other statewide programs providing services to crime victims are located; and

WHEREAS, I am committed to integrating executive branch operations to ensure that the state delivers quality services in the most accessible manner and at the lowest cost to taxpayers.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby order the Department of Health and Senior Services and the Department of Public Safety to:

- Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the sexual assault evidentiary kit and exam payment program to the Department of Public Safety by Type I transfer, as defined under the Reorganization Act of 1974;
- 2. Develop mechanisms and processes necessary to effectively transfer the sexual assault evidentiary kit and exam payment program to the Crime Victims' Compensation Fund Program in the Department of Public Safety; and
- 3. Transfer the responsibility for staff support for the program to the Department of Public Safety's Crime Victims' Compensation Fund Program.

This Order shall become effective no sooner than August 28, 2008, unless disapproved within sixty days of its submission to the Second Regular Session of the 94th General Assembly.

Seal

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 6th day of February, 2008.

MATT BLUNT GOVERNOR

ROBIN CARNAHAN

SECRETARY OF STATE

Senator Gibbons moved that the appointments of Mary I. Beveridge, Donna M. Bushur, John L. Evans, Derio L. Gambaro, Anne E. McRoberts, Michael G. Nordwald, Dorothy E.A. Rowland, Stephen G. Sanders and Daniel K. Carr be returned to the Governor per his request, which motion prevailed.

Senator Gibbons moved that the appointment of William M. Cohen be returned to the Governor per his request, which motion prevailed.

SECOND READING OF CONCURRENT RESOLUTIONS

The following Concurrent Resolution was read the 2nd time and referred to the Committee indicated: **SCR 30**—Rules, Joint Rules, Resolutions and Ethics.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

John E. Mehner, as a member of the Missouri Development Finance Board;

Also,

DeEtta L. Murphy, as a member of the Linked Deposits Review Committee;

Also,

Todd P. Smith, as the Director of the Department of Labor and Industrial Relations;

Also,

John L. Boland, as a member of the Missouri Propane Gas Commission;

Also,

Ryan N. Espenschied and Annetta M. Vickers, as members of the Child Abuse and Neglect Review Board;

Also,

Barbara G. Ostmann and Jonathan L. Held, as members of the Missouri Wine and Grape Board; Also,

Paula G. Bonney, as a member of the Missouri Planning Council on Developmental Disabilities; Also,

John W. Siscel, III, Republican, as a member of the Truman State University Board of Governors; Also,

Elizabeth B. Aull, Republican, as a member of the Hazardous Waste Management Commission; Also,

Tammy D. McLane, as a member of the Organ Donation Advisory Committee;

Also,

Catherine S. Smith, Republican, as a member of the Missouri State University Board of Governors; Also,

Thomas G. Kolb, as a member of the Petroleum Storage Tank Insurance Fund Board of Trustees; Also,

Wayman F. Smith, Democrat, as a member of the Harris-Stowe State University Board of Regents.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of David L. Vlach, as a member of the Mental Health Commission, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Shields moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Peter F. Herschend, Republican, as a member of the State Board of Education, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Goodman moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of John C. Hilton, as a member of the Truman State University Board of Governors, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Gibbons moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

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 2019**, entitled:

An Act to appropriate money for supplemental purposes for the University of Missouri, 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, 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 2020**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, 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, 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.

INTRODUCTIONS OF GUESTS

Senator Graham introduced to the Senate, the Physician of the Day, Dr. Ted Groshong, M.D., Columbia.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, February 11, 2008.

SENATE CALENDAR

EIGHTEENTH DAY-MONDAY, FEBRUARY 11, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1089-Justus SB 1090-Bray SB 1091-Bray, et al SB 1092-Engler SB 1093-Loudon, et al SB 1094-Loudon SB 1095-Loudon SB 1096-Graham SB 1097-Graham SB 1098-Bray and Engler SB 1099-Graham SB 1100-Bray and Smith SB 1101-Bray and Days SB 1102-Bray SB 1103-Gibbons SB 1104-Kennedy and Smith SB 1105-Coleman SB 1106-Scott SB 1107-Scott, et al SB 1108-Scott SB 1109-Scott

HOUSE BILLS ON SECOND READING

HB 2019-Icet

HB 2020-Icet

SENATE BILLS FOR PERFECTION

- 1. SB 724-Scott, et al, with SCS
- 2. SB 711-Gibbons, et al, with SCS
- 3. SB 718-Kennedy, with SCS
- 4. SB 935-Griesheimer, et al, with SCS
- 5. SBs 747 & 736-Ridgeway and Gibbons, with SCS
- 6. SB 759-Stouffer, with SCS
- 7. SB 931-Purgason, with SCS

- 8. SB 994-Crowell, with SCS9. SB 830-Coleman, with SCS10. SB 726-Shields, with SCS
- 11. SBs 840 & 857-Engler, with SCS
- 12. SB 720-Coleman, with SCS
- 13. SBs 761 & 774-Stouffer, with SCS

INFORMAL CALENDAR

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 801-Ridgeway SB 845-Rupp and Dempsey SB 820-Rupp SB 943-Clemens SB 978-Griesheimer SB 760-Stouffer, with SCS