

Journal of the Senate

SECOND REGULAR SESSION

NINETEENTH DAY—TUESDAY, FEBRUARY 12, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“What soap is to the body, laughter is to the soul.” (Yiddish proverb)

Father, King of the Universe, we often take ourselves far too serious and forget how to laugh and that which is most beneficial to us is to laugh at ourselves. So help us to have courage to look at ourselves and gain wisdom from what we have done and laugh for that will strengthen our bodies, lighten our souls and make us much more capable of being with others and they 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.

The Journal of the previous day was read and approved.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Crowell	Days
Dempsey	Engler	Goodman	Graham	Green	Griesheimer	Justus	Kennedy
Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

Absent—Senators—None

Absent with leave—Senators

Bartle Gibbons—2

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Koster offered Senate Resolution No. 1808, regarding the 2007-2008 Class 3 Missouri State Champion Harrisonville High School Football Wildcats, which was adopted.

Senator Stouffer offered Senate Resolution No. 1809, regarding G. Frank Withrow, Macon, which was adopted.

Senator Stouffer offered Senate Resolution No. 1810, regarding Blake Shrout, Bunceton, which was adopted.

Senator Bray offered Senate Resolution No. 1811, regarding Wendy Lam, Saint Louis, which was adopted.

Senator Bray offered Senate Resolution No. 1812, regarding Amari Thigpen, Saint Louis, which was adopted.

Senator Bray offered Senate Resolution No. 1813, regarding Lucy Cohen, Saint Louis, which was adopted.

INTRODUCTION OF BILLS

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

SB 1122—By Ridgeway.

An Act to amend chapter 376, RSMo, by adding thereto one new section relating to health insurance coverage for autism spectrum disorder.

SB 1123—By Loudon.

An Act to amend chapter 303, RSMo, by adding thereto one new section relating to the uninsured motorist stipulation of benefits act of 2008.

SB 1124—By Loudon.

An Act to amend chapter 507, RSMo, by adding thereto one new section relating to an insurance company's right to intervene in civil actions to determine coverage obligations.

SB 1125—By Crowell.

An Act to repeal section 143.124, RSMo, and to enact in lieu thereof one new section relating to an income tax exemption for certain retirement benefits.

SB 1126—By Scott.

An Act to repeal section 324.1106 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 780, ninety-fourth general assembly, first regular session and section 324.1106 as enacted by conference committee substitute no. 2 for house committee substitute for senate committee substitute for senate bill no. 308, ninety-fourth general assembly, first regular session, and to enact in lieu thereof one new section relating to private investigators.

SENATE BILLS FOR PERFECTION

SB 711, with **SCS**, was placed on the Informal Calendar.

Senator Kennedy moved that **SB 718**, with **SCS**, be taken up for perfection, which motion prevailed.

SCS for **SB 718**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 718

An Act to repeal sections 135.967 and 620.1881, RSMo, and to enact in lieu thereof two new sections relating to certain programs administered by the department of economic development.

Was taken up.

Senator Kennedy moved that **SCS for SB 718** be adopted.

Senator Kennedy offered **SS for SCS for SB 718**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 718

An Act to repeal sections 32.105, 135.967, 620.495, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof five new sections relating to certain programs administered by the department of economic development.

Senator Kennedy moved that **SS for SCS for SB 718** be adopted.

Senator Scott assumed the Chair.

Senator Rupp offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 718, Page 6, Section 32.105, Line 20 of said page, by inserting immediately after said line the following:

“135.681. 1. The director of the department of economic development or the director's designee shall issue letter rulings regarding the tax credit program authorized under section 135.680, subject to the terms and conditions set forth in this section. The director of the department of economic development may impose additional terms and conditions consistent with this section to requests for letter rulings by regulation promulgated under chapter 536, RSMo. For the purposes of this section, the term “letter ruling” means a written interpretation of law to a specific set of facts provided by the applicant requesting a letter ruling.

2. The director or director's designee shall respond to a request for a letter ruling within sixty days of receipt of such request. The applicant may provide a draft letter ruling for the department's consideration. The applicant may withdraw the request for a letter ruling, in writing, prior to the issuance of the letter ruling. The director or the director's designee may refuse to issue a letter ruling for good cause, but must list the specific reasons for refusing to issue the letter ruling. Good cause includes, but is not limited to:

(1) The applicant requests the director to determine whether a statute is constitutional or a regulation is lawful;

(2) The request involves a hypothetical situation or alternative plans;

(3) The facts or issues presented in the request are unclear, overbroad, insufficient, or otherwise

inappropriate as a basis upon which to issue a letter ruling; and

(4) The issue is currently being considered in a rulemaking procedure, contested case, or other agency or judicial proceeding that may definitely resolve the issue.

3. Letter rulings shall bind the director and the director's agents and their successors until such time as the taxpayer or its shareholders, members, or partners, as applicable, claim all of such tax credits on a Missouri tax return, subject to the terms and conditions set forth in properly published regulations. The letter ruling shall apply only to the applicant.

4. Letter rulings issued under the authority of this section shall not be a rule as defined in section 536.010, RSMo, in that it is an interpretation issued by the department with respect to a specific set of facts and intended to apply only to that specific set of facts, and therefore shall not be subject to the rulemaking requirements of chapter 536, RSMo.

5. Information in letter ruling requests as described in section 620.014, RSMo, as well as the applicant identifying information shall be closed to the public. Copies of letter rulings shall be available to the public provided that the applicant identifying information and otherwise protected information is redacted from the letter ruling as provided in subsection 1 of section 610.024, RSMo.”; and

Further amend the title and enacting clause accordingly.

Senator Rupp moved that the above amendment be adopted.

Senator Griesheimer assumed the Chair.

At the request of Senator Kennedy, **SB 718**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

Senator Scott moved that **SB 724**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 724** was again taken up.

Senator Scott moved that **SCS** for **SB 724** be adopted.

Senator Koster offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 724, Page 1, In the Title, Line 3, by striking “nurses” and inserting in lieu thereof the following: “monitoring of drugs”; and

Further amend said bill, page 3, section 195.100, line 30 by inserting immediately after all of said line the following:

“**195.378. 1. Sections 195.378 to 195.399 shall be known and may be cited as the “Drug Monitoring Act”.**

2. Notwithstanding the provisions of section 195.010, as used in sections 195.378 to 195.399, the following terms mean:

(1) “**Controlled substance**”, as defined in section 195.010;

(2) “**Department**”, the department of health and senior services;

(3) “Dispenser”, a person who delivers a schedule II, III, IV, or V controlled substance to the ultimate user, but does not include:

(a) A practitioner or other authorized person who administers such a substance; or

(b) A wholesale distributor of a schedule II, III, IV, or V controlled substance;

(4) “Patient”, a person or animal who is the ultimate user of a drug for whom a prescription is issued or for whom a drug is dispensed;

(5) “Schedule II, III, IV, or V controlled substance”, a controlled substance that is listed in schedule II, III, IV, or V of the schedules provided under this chapter or the Federal Controlled Substances Act, 21 U.S.C. Section 812.

195.381. 1. Subject to appropriations, the department of health and senior services shall establish and maintain a program for the monitoring of prescribing and dispensing of all schedule II, III, IV, and V controlled substances except schedule V controlled substances containing any detectable amount of pseudoephedrine that do not require a prescription, by all professionals licensed to prescribe or dispense such substances in this state.

2. Each dispenser shall submit to the department by electronic means information regarding each dispensing of a drug included in subsection 1 of this section. The information required by the department to be submitted for each dispensing may include, but not be limited to:

(1) The dispenser's United States Drug Enforcement Administration registration number;

(2) The date the drug is dispensed or the prescription is filled;

(3) The prescription number, if applicable;

(4) Whether the prescription is new or a refill;

(5) The NDC code for the drug dispensed;

(6) The number of days' supply of the drug dispensed;

(7) The quantity dispensed;

(8) Any identification issued by a state or federal government to the patient, or any other acceptable identification as defined by the department by rule;

(9) The patient's name, address, and date of birth;

(10) The prescriber's United States Drug Enforcement Administration registration number, if applicable;

(11) The date the prescription is issued by the prescriber, if applicable; and

(12) The source of payment for the drug, as defined by regulation promulgated by the department.

3. Each dispenser shall submit the information in accordance with transmission methods and frequency established by the department by regulation; except that, each dispenser shall report at least every thirty days between the first and fifteenth of the month following the month the drug was dispensed.

4. The department may issue a waiver to a dispenser that is unable to submit dispensing information by electronic means. Such waiver may permit the dispenser to submit dispensing information by paper form or other means, provided all information required in subsection 2 of this section is submitted in such alternative format.

195.384. 1. Controlled substance dispensing information submitted to the department shall be confidential and not subject to public disclosure under chapter 610, RSMo, except as provided in subsections 3 to 5 of this section.

2. The department shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted, and maintained is not disclosed to persons except as provided in subsections 3 to 5 of this section.

3. The department shall review the dispensing information and, if there is reasonable cause to believe a violation of law or breach of professional standards may have occurred, the department shall notify the appropriate law enforcement or professional licensing, certification, or regulatory agency or entity, and provide dispensing information required for an investigation.

4. The department may provide data in the drug monitoring program to the following persons:

(1) Persons authorized to prescribe or dispense controlled substances for the purpose of providing medical or pharmaceutical care for their patients;

(2) An individual who requests his or her own drug monitoring information in accordance with state law;

(3) The state board of pharmacy;

(4) Any state board charged with regulating a professional that has the authority to prescribe controlled substances that requests data related to a specific professional under the authority of that board;

(5) Local, state, and federal law enforcement or prosecutorial officials engaged in the administration, investigation, or enforcement of the laws governing licit drugs based on a specific case or under court order;

(6) The department of social services regarding MO HealthNet participants;

(7) A judge or other judicial authority under a court order;

(8) Personnel of the department of health and senior services for the administration and enforcement of sections 195.378 to 195.399; and

(9) The department of mental health regarding department program recipients receiving medication or medication-related services.

5. The department may provide data to public or private entities for statistical, research, or educational purposes after removing information that could be used to identify individual patients or persons who received prescriptions from dispensers.

6. Nothing in sections 195.378 to 195.399 shall require or obligate a dispenser or prescriber to access or check the information in the drug monitoring program prior to dispensing, prescribing, or administering medications or as part of their professional practice. Dispensers and prescribers shall

not be liable to any person for any claim of damages as a result of accessing or failing to access the information in the drug monitoring program and no lawsuit may be predicated thereon.

195.387. The department is authorized to contract with any other agency of this state or with a private vendor, as necessary, to ensure the effective operation of the drug monitoring program. Any contractor shall comply with the provisions regarding confidentiality of drug information in section 195.384. Any contractor who knowingly discloses drug monitoring information other than as provided in sections 195.378 to 195.399 or who uses such information in a manner and for a purpose in violation of sections 195.378 to 195.399 is guilty of a class A misdemeanor.

195.390. The department shall promulgate rules setting forth the procedures and methods of implementing sections 195.378 to 195.399 which shall be consistent with federal regulations, if applicable. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

195.393. 1. A dispenser who knowingly fails to submit drug monitoring information to the department as required in sections 195.378 to 195.399 or knowingly submits the incorrect prescription information is guilty of a class A misdemeanor.

2. A person authorized to have drug monitoring information under sections 195.378 to 195.399 who knowingly discloses such information in violation of sections 195.378 to 195.399 or who uses such information in a manner and for a purpose in violation of sections 195.378 to 195.399 is guilty of a class A misdemeanor.

195.396. 1. The department shall implement the following education courses:

(1) An orientation course during the implementation phase of the drug monitoring program established in section 195.381;

(2) A course for persons who are authorized to access the drug monitoring information but who did not participate in the orientation course;

(3) A course for persons who are authorized to access the drug monitoring information but who have violated laws or breached occupational standards involving dispensing, prescribing, and use of substances monitored by the drug monitoring program established in section 195.381. When appropriate, the department shall develop the content of the education courses described in subdivisions (1) to (3) of this subsection.

2. The department shall, when appropriate:

(1) Work with associations for impaired professionals to ensure intervention, treatment, and ongoing monitoring and followup; and

(2) Encourage individual patients who are identified and who have become addicted to substances monitored by the drug monitoring program established in section 195.381 to receive addiction treatment.

The department of health and senior services shall consult and coordinate with the department of mental health in developing and implementing patient intervention and referrals.

195.399. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

(1) The provisions of the new program authorized under sections 195.378 to 195.399 shall automatically sunset six years after the effective date of sections 195.378 to 195.399 unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under sections 195.378 to 195.399 shall automatically sunset six years after the effective date of the reauthorization of sections 195.378 to 195.399; and

(3) Sections 195.378 to 195.399 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 195.378 to 195.399 is sunset.

195.417. 1. The limits specified in [subsection 2 of] this section shall not apply to any quantity of such product, mixture, or preparation **which must be dispensed, sold, or distributed in a pharmacy pursuant to a valid prescription or to any purchase by an individual of a single sales package if that package contains not more than sixty milligrams of pseudoephedrine.**

2. Within any thirty-day period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, **phenylpropanolamine**, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

(1) The sole active ingredient; or

(2) One of the active ingredients of a combination drug; or

(3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection; in any total amount greater than nine grams, **without regard to the number of transactions.**

3. [All] **For mail order sales or sales from a temporary retail location or sales from stand which is temporary or capable of being moved from one location to another, whether the stand is located within or on the premises of a fixed facility or located on unimproved real estate, within any thirty-day period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:**

(1) The sole active ingredient; or

(2) One of the active ingredients of a combination drug; or

(3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection; in any total amount greater than seven and five tenths grams, without regard to the number of transactions.

4. **Within any twenty-four hour period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following**

amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as:

(1) The sole active ingredient; or

(2) One of the active ingredients of a combination drug; or

(3) A combination of any of the products specified in subdivisions (1) and (2) of this subsection; in any total amount greater than three and six tenths grams without regard to the number of transactions.

5. With the exception of those compounds, mixtures, or preparations which must be offered for sale only from behind the counter in a pharmacy, in offering the products for sale, persons selling packages of any compound, mixture, or preparation containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, [except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician under section 195.017.

4.] shall place the products such that customers do not have direct access to the products before a sale is made. This placement of product shall be either behind the counter or in a locked cabinet that is located in an area of the facility involved to which customers do not have direct access.

6. The person selling such compound, mixture, or preparation shall require any person, prior to their purchasing, receiving or otherwise acquiring such compound, mixture, or preparation of such compound, mixture, or preparation, to furnish suitable photo identification that is issued by a state or the federal government or a document that, with respect to identification, is considered acceptable.

7. The person selling such compound, mixture, or preparation shall maintain an electronic log of each transaction. Such log shall include the following information:

(1) The name, address, and signature of the purchaser;

(2) The name of the product and the amount of the compound, mixture, or preparation purchased;

(3) The date and time of each purchase; and

(4) The name or initials of the person selling the compound, mixture, or preparation to the purchaser.

8. The department shall develop a system whereby the electronic logs of each pharmacy, as provided in subsection 7 of this section, shall be transmitted to the department simultaneously to the creation of each entry in the log. The department shall create a database to encompass the transmitted electronic logs and shall make the database available to law enforcement agencies with jurisdiction to enforce state and federal controlled substance laws. In addition, the department shall monitor the database for any person that the department reasonably believes has violated the provisions of this section and provide the appropriate law enforcement agency with information regarding the potential violation.

9. Any law enforcement agency with jurisdiction to enforce state and federal controlled substance

laws is authorized to examine the electronic logs of a pharmacy upon request by the agency to the pharmacy.

10. The seller shall deliver the product directly into the custody of the purchaser.

11. This section shall supersede and preempt any local ordinances or regulations, including any ordinances or regulations enacted by any political subdivision of the state. This section shall not apply to [any products that the state department of health and senior services, upon application of a manufacturer, exempts by rule from this section because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts or precursors or to] the sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

[5. Persons selling and dispensing substances containing any detectable amount of pseudoephedrine, its salts or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers, or salts of optical isomers shall maintain logs, documents, and records as specified in section 195.017. Persons selling only compounds, mixtures, or preparations that are excluded from Schedule V in subsection 17 or 18 of section 195.017 shall not be required to maintain such logs, documents, and records. All logs, records, documents, and electronic information maintained for the dispensing of these products shall be open for inspection and copying by municipal, county, and state or federal law enforcement officers whose duty it is to enforce the controlled substances laws of this state or the United States.

6.] **12.** Within thirty days of June 15, 2005, all persons who dispense or offer for sale pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.

[7. Within thirty days of June 15, 2005, any business entity which sells ephedrine or pseudoephedrine products in the course of legitimate business which is in the possession of pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in subsection 17 or 18 of section 195.017, and which does not have a state and federal controlled substances registration, shall return these products to a manufacturer or distributor or transfer them to an authorized controlled substance registrant.

8.] **13.** Any person who knowingly or recklessly violates this section is guilty of a class A misdemeanor **as well as a civil fine of up to ten thousand dollars.**

[9. The provisions of subsection 2 of this section limiting individuals from purchasing the specified amount in any thirty-day period shall not apply to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form. However, no person shall purchase, receive, or otherwise acquire more than nine grams of any compound, mixture, or preparation excluded in subsection 17 or 18 of section 195.017, in a single purchase as provided in subsection 2 of this section.]"; and

Further amend the title and enacting clause accordingly.

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

Senator Scott moved that **SCS** for **SB 724** be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 724** was declared perfected and ordered printed.

RESOLUTIONS

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 1814

WHEREAS, the General Assembly of the State of Missouri has a long tradition of rendering assistance to worthwhile youth activities, especially those related to governmental or citizenship projects; and

WHEREAS, the Jefferson City Downtown Rotary Club has sought to instill values of high integrity within our youth and to provide an opportunity for Missouri students to experience state government firsthand; and

WHEREAS, the General Assembly has maintained a policy of granting such organizations permission to use the Senate and House Chambers for beneficial purposes; and

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fourth General Assembly hereby grant the Jefferson City Rotary Club permission to use the Senate Chamber for the purpose of conducting Student Government Day on the morning of Monday, March 17, 2008.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1814** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 1814** was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 1815

WHEREAS, the Missouri Senate recognizes the importance of empowering citizens to actively participate in the democratic process; and

WHEREAS, the Senate has a long tradition of rendering assistance to those organizations which sponsor projects in the interest of good citizenship; and

WHEREAS, the Missouri Catholic Conference has as its purposes to promote the material and spiritual well being of all the people of the state of Missouri and to participate in the democratic process of government:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fourth General Assembly, that the Missouri Catholic Conference be hereby granted permission to use the Senate Chamber and the Senate Hearing Rooms from 7:00 a.m. to 7:00 p.m. on October 4, 2008, for the purpose of a citizens assembly and workshops.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1815** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 1815** was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 1816

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate Chamber for the purpose of their regular session from 8:00 a.m. to 4:30 p.m. on October 16, 2008 and from 8:00 a.m. to 12 noon on October 17, 2008.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose

of taking **SR 1816** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 1816** was adopted.

Senator Coleman offered the following resolution:

SENATE RESOLUTION NO. 1817

WHEREAS, the Missouri General Assembly has compiled a long tradition of rendering assistance to those programs aimed at developing exemplary qualities of citizenship and leadership within our youth; and

WHEREAS, the Missouri Girls State program of the American Legion Auxiliary has earned considerable recognition for its success in providing young women with a unique and valuable insight into the process of democratic government through a format of direct role-playing experience; and

WHEREAS, during June 2008, the American Legion Auxiliary, Department of Missouri, is conducting the annual session of Missouri Girls State; and

WHEREAS, an important highlight of this event would be conducting a mock legislative session in the Senate Chamber at our State Capitol where participants could gather to gain a more realistic insight into official governmental and electoral proceedings;

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Missouri Senate, Ninety-fourth General Assembly, hereby grant the adult leaders and participants of Missouri Girls State permission to use the Senate Chamber for the purpose of swearing in mock legislative officials and conducting a mock legislative session from 9:00 am to 12:30 pm on June 25, 2008.

Senator Coleman requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 1817** up for adoption, which request was granted.

On motion of Senator Coleman, **SR 1817** was adopted.

INTRODUCTION OF BILLS

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

SB 1127—By Rupp and Crowell.

An Act to amend chapter 633, RSMo, by adding thereto one new section relating to the establishment of an office of autism services.

SB 1128—By Bray, Justus, Days and Wilson.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the persistence to graduation fund.

SB 1129—By Coleman.

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

SB 1130—By Stouffer.

An Act to repeal sections 144.054, 227.600, 227.615, and 227.645, RSMo, and to enact in lieu thereof five new sections relating to the Missouri public-private partnerships transportation act.

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 11, 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:

Venable M. Houts, 407 East Jefferson Avenue, Kirkwood, Saint Louis County, Missouri 63122, as a member of the Missouri State Board of Accountancy, for a term ending July 1, 2012, and until his successor is duly appointed and qualified; vice, Stephen Del Vecchio.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 11, 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:

Susan S. Jones, Democrat, 1408 Amesbury Avenue, Liberty, Clay County, Missouri 64068, as a member of the Clay County Board of Election Commissioners, for a term ending June 15, 2011, and until her successor is duly appointed and qualified; vice, Gerald Randall, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 11, 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:

Anne G. Rottmann, 1409 Green Berry Road, Jefferson City, Cole County, Missouri 65101, as a member of the State Historical Records Advisory Board, for a term ending November 1, 2010, and until her successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

MESSAGES FROM THE HOUSE

The following message was 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 1661**, entitled:

An Act to repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to state taxable income calculations.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

COMMUNICATIONS

On behalf of President Pro Tem Gibbons, Senator Shields submitted the following:

February 12, 2008

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

Dear Terry:

I am hereby appointing Senator Jack Goodman to the Sentencing Advisory Commission.

Yours truly,
 /s/ Michael R. Gibbons
 MICHAEL R. GIBBONS
 President Pro Tem

INTRODUCTIONS OF GUESTS

Senator Graham introduced to the Senate, Dr. William Kaufold, Dr. Dan Prescott and the Physician of the Day, Dr. William Walters, Columbia.

Senator Coleman introduced to the Senate, Carissa Klaas, M.D., David Diaz, M.D. and Raj Rathod, M.D., St. Louis.

Senator Mayer introduced to the Senate, Becky Shrum, Brent Tinker and a group of Poplar Bluff Young Republicans; and Mitchell Davis, Cody Knodell, Derek Spencer, Zack Stricker, Jonathan Dunham, Kyle York, Ethan Campbell, Aaron Henderson, Nathan Smith and Megan Richardson were made honorary pages.

Senator Justus introduced to the Senate, Ryan Vincent, M.D., Kansas City.

Senator Griesheimer introduced to the Senate, Shawn Brands, Wildwood.

Senator Green introduced to the Senate, his wife, Lisa Green, MSN, RN, their daughter, Megan, and Christy L. Jenkins, BSN, RN, Angela Zangara, SN, Julie Herkenhoff, SN, Jason Hoang, SN, Rachael Marks, SN, Tamara Carter, SN, Lauren Poston, SN, Ashley Krull, SN, Lisa Augustine, SN, Kara Eckman, SN, Emily Perulfi, SN, Emily Hose, SN, Jamie Mitchell, SN, Derek Pechacek, SN, Jenny Poss, SN and Judy Smith, MSN, RN, Goldfarb School of Nursing at Barnes Jewish College.

Senator Koster introduced to the Senate, Coach Bouchard, Coach Hannah, Coach Maxwell, H.T. "Wildcat" Adams and members of the 2007 Harrisonville High School Class 3 State Championship football team.

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

SENATE CALENDAR

TWENTIETH DAY—WEDNESDAY, FEBRUARY 13, 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 1112-Clemens
SB 1094-Loudon	SB 1113-Bray, et al
SB 1095-Loudon	SB 1114-Bray
SB 1096-Graham	SB 1115-Bray, et al
SB 1097-Graham	SB 1116-Days
SB 1098-Bray and Engler	SB 1117-Smith
SB 1099-Graham	SB 1118-Griesheimer
SB 1100-Bray, et al	SB 1119-Griesheimer
SB 1101-Bray, et al	SB 1120-Loudon
SB 1102-Bray	SB 1121-Loudon
SB 1103-Gibbons	SB 1122-Ridgeway
SB 1104-Kennedy and Smith	SB 1123-Loudon
SB 1105-Coleman	SB 1124-Loudon
SB 1106-Scott	SB 1125-Crowell
SB 1107-Scott, et al	SB 1126-Scott
SB 1108-Scott	SB 1127-Rupp and Crowell
SB 1109-Scott	SB 1128-Bray, et al
SB 1110-Clemens	SB 1129-Coleman
SB 1111-Clemens	SB 1130-Stouffer

HOUSE BILLS ON SECOND READING

HB 2019-Icet	HB 1661-LeVota, et al
HB 2020-Icet	

SENATE BILLS FOR PERFECTION

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| 1. SB 935-Griesheimer, et al, with SCS | 6. SB 830-Coleman, with SCS |
| 2. SBs 747 & 736-Ridgeway and Gibbons,
with SCS | 7. SB 726-Shields, with SCS |
| 3. SB 759-Stouffer, with SCS | 8. SBs 840 & 857-Engler, with SCS |
| 4. SB 931-Purgason, with SCS | 9. SB 720-Coleman, with SCS |
| 5. SB 994-Crowell, with SCS | 10. SBs 761 & 774-Stouffer, with SCS |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 711-Gibbons, et al, with SCS	SB 718-Kennedy, with SCS, SS for SCS and SA 1 (pending)
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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

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