

# Journal of the Senate

SECOND REGULAR SESSION

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**TWENTY-SIXTH DAY—MONDAY, FEBRUARY 25, 2008**

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The Senate met pursuant to adjournment.

Senator Rupp in the Chair.

Reverend Carl Gauck offered the following prayer:

“When you focus on being a blessing, God makes sure that you are always blessed in abundance.” (Joel Osteen)

As a servant people we come back together to serve and do those things that are required of us, so we pray, O Lord, that You will bless us so that we may walk Your path of obedience and righteousness and what we do may be a blessing to others. 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 for Thursday, February 21, 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	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

Absent—Senators—None

Absent with leave—Senator McKenna—1

Vacancies—None

## RESOLUTIONS

Senator Scott offered Senate Resolution No. 1932, regarding Kristen Allcorn, Sedalia, which was

adopted.

Senator Ridgeway offered Senate Resolution No. 1933, regarding the Pharmaceutical Research and Manufacturers of America (PhRMA), which was adopted.

Senator Goodman offered Senate Resolution No. 1934, regarding the Thirty-fifth Wedding Anniversary of Mr. and Mrs. Samuel Goodman, Pierce City, which was adopted.

Senator Shields offered Senate Resolution No. 1935, regarding the Michael S. Gleason House, St. Joseph, which was adopted.

Senator Rupp offered Senate Resolution No. 1936, regarding the Economic Development Center Small Business Incubator, St. Charles County, which was adopted.

Senators Green and Days offered Senate Resolution No. 1937, regarding Sergeant Byron Watson, Florissant, which was adopted.

Senator Stouffer offered Senate Resolution No. 1938, regarding the Oaks Apartments, Excelsior Springs, which was adopted.

Senator Stouffer offered Senate Resolution No. 1939, regarding the Brockman Building, Fayette, which was adopted.

Senator Stouffer offered Senate Resolution No. 1940, regarding Class 3 State Wrestling Champion, Colin Pierce, which was adopted.

Senator Stouffer offered Senate Resolution No. 1941, regarding Gary O'Neal, rural Ray County, which was adopted.

Senator Clemens offered Senate Resolution No. 1942, regarding Kyle Joseph McMahan, Nixa, which was adopted.

Senator Days offered Senate Resolution No. 1943, regarding the Missouri Coalition of Minority and Women Business Owners, which was adopted.

Senator Days offered Senate Resolution No. 1944, regarding John Moten, Jr., Wildwood, which was adopted.

### **INTRODUCTION OF BILLS**

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

**SB 1174**—By Goodman.

An Act to amend chapter 442, RSMo, by adding thereto one new section relating to real estate transfer fee covenants.

**SB 1175**—By Goodman.

An Act to repeal section 215.160, RSMo, and to enact in lieu thereof one new section relating to bonds and notes held by the Missouri housing development commission.

**SB 1176**—By Barnitz.

An Act to repeal section 571.101, RSMo, and to enact in lieu thereof one new section relating to concealed carry endorsements, with penalty provisions.

**SB 1177**—By Barnitz.

An Act to repeal section 632.005, RSMo, and to enact in lieu thereof one new section relating to licensed professional counselors.

**SB 1178**—By Barnitz.

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

**SB 1179**—By Crowell.

An Act to repeal section 42.010, RSMo, and to enact in lieu thereof one new section relating to veterans' cemeteries.

**SB 1180**—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 1181**—By Engler.

An Act to amend chapter 386, RSMo, by adding thereto one new section relating to energy efficiency.

**SB 1182**—By Smith and Justus.

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the Missouri 4 for More Program.

**SB 1183**—By Bray.

An Act to repeal section 215.020, RSMo, and to enact in lieu thereof two new sections relating to the Missouri housing development commission.

**SB 1184**—By Bray.

An Act to repeal sections 43.545, 455.200, 455.545, and 565.063, RSMo, and to enact in lieu thereof six new sections relating to domestic violence, with penalty provisions.

## CONCURRENT RESOLUTIONS

Senator Bray offered the following concurrent resolution:

### SENATE CONCURRENT RESOLUTION NO. 33

WHEREAS, during the past five years in Darfur, thousands of innocent victims have been murdered, tortured, and raped, with more than two million people driven from their homes; and

WHEREAS, on January 7, 2008, the Sudanese armed forces attacked a clearly marked United Nations - African Union Mission (UNAMID) peacekeeping convoy in Darfur; and

WHEREAS, on January 31, 2008, reports indicate that the Sudanese regime actively and substantively supported Chadian rebels in their nearly-successful attempt to overthrow the sovereign Chadian government in N'Djamena; and

WHEREAS, on February 8, 2008, the Sudanese regime renewed its military and proxy-militia attacks on Darfuri civilians, killing at least 15 and displacing more than 12,000 in several towns in west Darfur; and

WHEREAS, the Government of Sudan has marginalized the people of Darfur as well as Sudanese in other regions of that country, necessitating a comprehensive approach to the peace process; and

WHEREAS, some but not all of the parties to the conflict in Darfur have participated in the first round of a UN-African Union peace

process launched in October 2007 in Sirte, Libya; and

WHEREAS, the Comprehensive Peace Agreement (CPA) reached between the Government of Sudan and the Sudanese People's Liberation Movement (SPLM) in Southern Sudan and brokered by the intensive diplomatic efforts of Senator John Danforth in January 2005 has not been fully or evenly implemented; and

WHEREAS, the Government of Sudan has continued to stand in the way of the deployment of a joint UN-African Union peacekeeping force to Darfur that would include non-African elements; and

WHEREAS, elements of armed rebel movements in Darfur, including the Justice and Equality Movement (JEM), have made violent threats against the deploying peacekeeping force; and

WHEREAS, while these and other issues remain pending, it is the people of Darfur including those living in refugee camps who suffer the continuing consequences; and

WHEREAS, there are Sudanese who are U.S. citizens and presently reside in the state of Missouri who have been witness to the ongoing struggles that have taken place in their native country; and

WHEREAS, the mission of the St. Louis Save Darfur Coalition is to mobilize and educate a broad group of religious, human rights, campus and civic organizations in the St. Louis region on the genocide in the Darfur region of the Sudan and to stimulate advocacy efforts on behalf of the people of Darfur:

NOW THEREFORE BE IT RESOLVED that the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular Session, the House of Representatives concurring therein, hereby calls upon the President of the United States to work closely with the European Union, China, Russia, and the Arab League to urge the Government of Sudan to allow the immediate and unfettered deployment of the UN-African Union peacekeeping force, including any and all non-African peacekeepers; and

BE IT FURTHER RESOLVED that the General Assembly calls upon the President of the United States and the United States Department of State to urge all invited individuals and movements to attend the next round of peace negotiations and not set preconditions for such participation; and

BE IT FURTHER RESOLVED that the General Assembly calls upon the President of the United States and the United States Department of State to urge the diverse rebel movements to set aside their differences and work together in order to better represent the people of Darfur and end their continued suffering; and

BE IT FURTHER RESOLVED that the General Assembly calls upon the President of the United States and the United States Department of State to encourage the participation of traditional Arab and African leaders from Darfur, women's groups, local NGOs, and leaders from internally displaced persons (IDP) camps in future talks; and

BE IT FURTHER RESOLVED that the General Assembly calls upon the President of the United States and the United States Department of State to condemn any action by any party – government or rebel – that undermines or delays the peace process; and

BE IT FURTHER RESOLVED that the General Assembly calls upon the President of the United States and the United States Department of State to urge the government of Sudan and non-signatories alike to declare and respect an immediate cessation of hostilities, cease distributing arms to internally displaced persons and across the border into Chad, and enable humanitarian organizations to have full unfettered access to populations in need; and

BE IT FURTHER RESOLVED that the General Assembly calls upon the President of the United States and the United States Department of State to urge all parties to the Comprehensive Peace Agreement (CPA) between North and South Sudan to support and respect all terms of the agreement; and

BE IT FURTHER RESOLVED that the General Assembly calls upon the Missouri congressional delegation to support all legislation that would assist in bringing peace to Sudan and humanitarian aid to those suffering because of the conflict; and

BE IT FURTHER RESOLVED that the Secretary of the Missouri Senate be instructed to prepare properly inscribed copies of this resolution for the President of the United States, the President of the United States Senate, the President Pro Tem of the United States Senate, the Speaker of the United States House of Representatives and each member of the Missouri congressional delegation.

## **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 **SB 1066** and **SS** for **SCS** for **SB 711**, 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.

**SENATE BILLS FOR PERFECTION**

Senator Goodman moved that **SB 765**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 765**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 765

An Act to repeal section 72.080, RSMo, and to enact in lieu thereof one new section relating to incorporation of municipalities, with an emergency clause.

Was taken up.

Senator Goodman moved that **SCS** for **SB 765** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 765, Page 4, Section 72.080, Lines 96-98, by striking all of said lines.

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

Senator Goodman moved that **SCS** for **SB 765**, as amended, be adopted, which motion prevailed.

On motion of Senator Goodman, **SCS** for **SB 765**, as amended, was declared perfected and ordered printed.

Senator Coleman moved that **SB 720**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 720**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 720

An Act to amend chapter 393, RSMo, by adding thereto one new section relating to hot weather maintenance of utility service.

Was taken up.

Senator Coleman moved that **SCS** for **SB 720** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 720, Page 1, In the Title, Lines 2-3, by striking the following: "hot weather" and inserting in lieu thereof the following: "weather-related"; and

Further amend said bill and page, Section A, Line 2, by inserting after all of said line the following:

**“393.104. Discontinuance of gas and electric service to all residential users, including all residential tenants of apartment buildings, for nonpayment of bills where gas or electricity is used as the source of space heating or to control or operate the only space heating equipment at the residence is prohibited during the period of time beginning November first through March first.”;** and

Further amend the title and enacting clause accordingly.

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

Senator Coleman moved that **SCS** for **SB 720**, as amended, be adopted, which motion prevailed.

On motion of Senator Coleman, **SCS** for **SB 720**, as amended, was declared perfected and ordered printed.

Senator Smith moved that **SB 781**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 781**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 781

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

Was taken up.

Senator Smith moved that **SCS** for **SB 781** be adopted.

Senator Smith offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 781, Page 1, Section 535.040, Line 19, by inserting after “2.” the following: **“Except for willful, wanton, or malicious acts or omissions,”**; and further amend line 20, by striking the word “anyone” and inserting in lieu thereof the following: **“any tenant or subtenant”**; and

Further amend said bill and section, page 2, line 22, by inserting after the word “dwelling” the following: **“by the tenant or subtenant of such dwelling”**.

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

Senator Smith moved that **SCS** for **SB 781**, as amended, be adopted, which motion prevailed.

On motion of Senator Smith, **SCS** for **SB 781**, as amended, was declared perfected and ordered printed.

**REFERRALS**

President Pro Tem Gibbons referred **SS** for **SCS** for **SB 711** to the Committee on Governmental Accountability and Fiscal Oversight.

**SENATE BILLS FOR PERFECTION**

Senator Shoemyer moved that **SB 821**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 821**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 821

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

Was taken up.

Senator Shoemyer moved that **SCS** for **SB 821** be adopted.

Senator Shoemyer offered **SS** for **SCS** for **SB 821**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 821

An Act to repeal sections 208.152 and 208.955, RSMo, and to enact in lieu thereof two new sections relating to the MO HealthNet program.

Senator Shoemyer moved that **SS** for **SCS** for **SB 821** be adopted.

Senator Shields raised the point of order that **SS** for **SCS** for **SB 821** is out of order as it goes beyond the scope of the underlying bill.

The point of order was referred to the President Pro Tem who ruled it well taken.

At the request of Senator Shoemyer, **SB 821**, with **SCS** (pending), was placed on the Informal Calendar.

### 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 720** and **SCS** for **SB 765**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

### INTRODUCTION OF BILLS

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

**SB 1185**—By Gibbons and Bartle.

An Act to repeal sections 229.110, 302.311, 302.750, 545.490, 550.050, 550.070, 550.080, 550.090, 566.147, 575.030, 575.100, 575.150, 575.260, 577.041, and 589.400, RSMo, and to enact in lieu thereof ten new sections relating to crime, with penalty provisions.

### 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 **HCS** for **HB 1774**, entitled:

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

Emergency clause adopted.

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 1406**, entitled:

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the establishment and administration of a drunk driving memorial sign program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **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 20, 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:

Lisa A. Cardone, Democrat, Route 7, Box 7329, Ava, Douglas County, Missouri 65608, as a member of the Missouri Emergency Response Commission, for a term ending December 15, 2008, and until her successor is duly appointed and qualified; vice, James Willett, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 20, 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:

Richard R. Popp, 4915 State Highway 94, Tebbetts, Callaway County, Missouri 65080, 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, Cecil Wood, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101

February 20, 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:

Randy L. Sanders, Republican, 306 Imperial Drive, O'Fallon, Saint Charles County, Missouri 63366, as a member of the Missouri Fire Education Commission, for a term ending April 26, 2010, and until his successor is duly appointed and qualified; vice, Carolyn Mitchell-Pegue, resigned.

Respectfully submitted,  
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101

February 20, 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:

Martin J. Strussion, 21084 Cave Road, Sainte Genevieve, Sainte Genevieve County, Missouri 63670, as a member of the Missouri Wine and Grape Board, for a term ending October 28, 2011, and until his successor is duly appointed and qualified; vice, Andrew Hofherr, term expired.

Respectfully submitted,  
MATT BLUNT

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

### **SECOND READING OF SENATE BILLS**

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

**SB 1168**—Small Business, Insurance and Industrial Relations.

**SB 1169**—Seniors, Families and Public Health.

**SB 1170**—Education.

**SB 1171**—Pensions, Veterans' Affairs and General Laws.

**SB 1172**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1173**—Seniors, Families and Public Health.

**SJR 46**—Commerce, Energy and the Environment.

**SJR 47**—Ways and Means.

### **HOUSE BILLS ON SECOND READING**

The following Bill was read the 2nd time and referred to the Committee indicated:

**HB 1661**—Ways and Means.

**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 1310**, entitled:

An Act to repeal section 115.329, RSMo, and to enact in lieu thereof one new section relating to independent candidates.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

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

**SENATE CALENDAR**


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TWENTY-SEVENTH DAY—TUESDAY, FEBRUARY 26, 2008

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**FORMAL CALENDAR****SECOND READING OF SENATE BILLS**

SB 1174-Goodman  
 SB 1175-Goodman  
 SB 1176-Barnitz  
 SB 1177-Barnitz  
 SB 1178-Barnitz  
 SB 1179-Crowell

SB 1180-Crowell  
 SB 1181-Engler  
 SB 1182-Smith and Justus  
 SB 1183-Bray  
 SB 1184-Bray  
 SB 1185-Gibbons and Bartle

**HOUSE BILLS ON SECOND READING**

HCS for HB 1380  
 HB 1386-Cox and Ruestman  
 HB 1313-Wright, et al  
 HB 1311-Hoskins  
 HB 1628-Cooper (120)  
 HB 1670-Cooper (120)  
 HB 1320-Brown (50)  
 HCS for HB 1305

HB 1656-Nance and Cooper (120)  
 HCS for HB 1575  
 HB 1354-Wilson (119), et al  
 HCS for HJR 55  
 HCS for HB 1774  
 HB 1406-Deeken, et al  
 HB 1310-Hoskins

THIRD READING OF SENATE BILLS

SB 1066-Ridgeway, et al

SS for SCS for SB 711-Gibbons

(In Fiscal Oversight)

SCS for SB 720-Coleman

SCS for SB 765-Goodman, et al

SENATE BILLS FOR PERFECTION

1. SB 1007-Loudon

2. SBs 909, 954, 934 & 1003-Engler, with SCS

3. SB 749-Ridgeway, with SCS

4. SB 729-Griesheimer, with SCS

5. SB 768-Rupp and Gibbons, with SCS

6. SB 776-Justus and Koster, with SCS

7. SBs 714, 933, 899 & 758-Loudon  
and Gibbons, with SCS

8. SJRs 34 & 30-Crowell and Coleman,  
with SCS

9. SB 898-Clemens, with SCS

10. SBs 993 & 770-Crowell, with SCS

11. SB 873-Graham, with SCS

12. SB 846-Rupp, with SCS

13. SBs 712 & 882-Gibbons and Rupp,  
with SCS

14. SB 809-Stouffer, with SCS

15. SBs 930 & 947-Stouffer, with SCS

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 726-Shields, with SCS

SB 732-Champion, et al, with SCS

SBs 747 & 736-Ridgeway and Gibbons, with SCS

SBs 754 & 794-Mayer and Loudon, with SCS

SB 759-Stouffer, with SCS

SBs 761 & 774-Stouffer, with SCS

SB 778-Justus, with SCS

SB 788-Scott, with SCS

SB 806-Engler, with SCS

SBs 818 & 795-Rupp, et al, with SCS

SB 821-Shoemyer, with SCS (pending)

SBs 840 & 857-Engler, with SCS

SB 907-Engler and Gibbons, with SCS

SB 929-Green and Callahan, with SCS

SB 958-Goodman

SB 997-Crowell

CONSENT CALENDAR

Senate Bills

Reported 2/7

SB 978-Griesheimer

SB 760-Stouffer, with SCS

## Reported 2/14

SB 901-Loudon, et al, with SCS  
 (In Fiscal Oversight)  
 SB 970-Scott  
 SB 953-Scott

SB 723-Scott  
 SB 951-Scott, with SCS  
 SB 1010-Nodler  
 SB 1068-Mayer

## Reported 2/21

SB 1008-Loudon, with SCS  
 SB 1061-Barnitz  
 SB 999-Scott  
 SB 952-Scott, with SCS  
 SB 850-Justus, with SCS  
 SB 896-Stouffer  
 SB 1039-Clemens, with SCS  
 SB 1002-Justus, et al

SB 991-Loudon and Kennedy  
 SB 942-Clemens, with SCS  
 SBs 753, 728, 906 & 1026-Mayer, with SCS  
 SB 936-Griesheimer  
 SB 841-Stouffer  
 SB 955-Shields  
 SB 856-Engler

## RESOLUTIONS

## To be Referred

SCR 33-Bray

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