

Journal of the Senate

SECOND REGULAR SESSION

FORTIETH DAY—WEDNESDAY, MARCH 26, 2008

The Senate met pursuant to adjournment.

Senator Rupp in the Chair.

Reverend Carl Gauck offered the following prayer:

“...the longer I live, the more convincing proofs I see of this truth, that God governs the affairs of men.” (Benjamin Franklin)

Governing Lord, we too recognize that our country was founded upon a rock of prayer and Your Holy Word. Let us gain the wisdom of our founding fathers that in their time came from differing points of view and conditions in which they lived. But like them let us find those areas of common ground so that we might work together to produce legislation that benefits and motivates our people to live in harmony and productive ways. 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.

Senator Shields announced that Dak Dillon had been given permission to take pictures in the Senate Chamber today.

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

RESOLUTIONS

Senator Ridgeway offered Senate Resolution No. 2121, regarding Kayla Beth Briggs, Liberty, which was adopted.

Senator Loudon offered Senate Resolution No. 2122, regarding Craig Michael Standley, Hazelwood, which was adopted.

Senator Bartle offered Senate Resolution No. 2123, regarding the Missouri State Champion Blue Springs High School Wildcats Girls Swimming and Diving Team, which was adopted.

Senator Gibbons offered Senate Resolution No. 2124, regarding Bradley Paul Schaefer, Kirkwood, which was adopted.

Senator Gibbons offered Senate Resolution No. 2125, regarding Adam Timothy Walsh, Manchester, which was adopted.

Senator Crowell offered Senate Resolution No. 2126, regarding Danielle Swoboda, which was adopted.

Senator Crowell offered Senate Resolution No. 2127, regarding Anastacia Doty, which was adopted.

Senator Crowell offered Senate Resolution No. 2128, regarding Lauren Wikel, which was adopted.

Senator Crowell offered Senate Resolution No. 2129, regarding Ashley Drum, which was adopted.

Senator Crowell offered Senate Resolution No. 2130, regarding Breonne Johnson, which was adopted.

Senator Crowell offered Senate Resolution No. 2131, regarding Harley Hamlett, which was adopted.

Senator Crowell offered Senate Resolution No. 2132, regarding Katie Karnes, which was adopted.

Senator Crowell offered Senate Resolution No. 2133, regarding Alicia Zarlingo, which was adopted.

Senator Crowell offered Senate Resolution No. 2134, regarding Chelsie Pingel, which was adopted.

Senator Crowell offered Senate Resolution No. 2135, regarding Carissa Luttrell, which was adopted.

Senator Crowell offered Senate Resolution No. 2136, regarding Heidi Lappe, which was adopted.

Senator Crowell offered Senate Resolution No. 2137, regarding Lisa Lambert, which was adopted.

Senator Crowell offered Senate Resolution No. 2138, regarding Janel Koenig, which was adopted.

Senator Crowell offered Senate Resolution No. 2139, regarding Sarah DeWilde, which was adopted.

Senator Crowell offered Senate Resolution No. 2140, regarding Cassie Simpher, which was adopted.

Senator Crowell offered Senate Resolution No. 2141, regarding Lauren Schuette, which was adopted.

Senator Crowell offered Senate Resolution No. 2142, regarding Hannah Roach, which was adopted.

Senator Crowell offered Senate Resolution No. 2143, regarding Renee Kincade, which was adopted.

Senator Crowell offered Senate Resolution No. 2144, regarding Brianna Gray, which was adopted.

Senator Crowell offered Senate Resolution No. 2145, regarding Elizabeth Rozier, which was adopted.

Senator Crowell offered Senate Resolution No. 2146, regarding Lynn Zoellner, which was adopted.

Senator Crowell offered Senate Resolution No. 2147, regarding Amber King, which was adopted.

Senator Crowell offered Senate Resolution No. 2148, regarding Myca Rouse, which was adopted.

Senator Crowell offered Senate Resolution No. 2149, regarding Christianna Roche, which was adopted.

Senator Crowell offered Senate Resolution No. 2150, regarding Nichole Parks, which was adopted.

Senator Engler offered Senate Resolution No. 2151, regarding the Sixty-fifth Wedding Anniversary of Mr. and Mrs. Calvin H. Washburn, De Soto, which was adopted.

Senator Engler offered Senate Resolution No. 2152, regarding Victor Rogers, Poplar Bluff, which was adopted.

REFERRALS

President Pro Tem Gibbons referred **SCR 37**, **SCR 38** and **SCR 39** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

President Pro Tem Gibbons referred **SCS** for **SB 767** to the Committee on Governmental Accountability and Fiscal Oversight.

SENATE BILLS FOR PERFECTION

Senator Crowell moved that **SB 993** and **SB 770**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 993** and **770**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 993 and 770

An Act to amend chapter 163, RSMo, by adding thereto six new sections relating to the Missouri special needs scholarship tax credit program.

Was taken up.

Senator Crowell moved that **SCS** for **SBs 993** and **770** be adopted.

Senator Crowell offered **SS** for **SCS** for **SBs 993** and **770**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 993 and 770

An Act to amend chapter 135, RSMo, by adding thereto six new sections relating to the Missouri special needs scholarship tax credit program.

Senator Crowell moved that **SS** for **SCS** for **SBs 993** and **770** be adopted.

Senator Koster offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 993 and 770, Page 5, Section 135.1202, Line 16, by inserting immediately after all of said line the following:

“8. Notwithstanding any provision of law to the contrary, any eligible student who receives an educational scholarship under the provisions of this section and, as a result, attends a non-public

school, shall be enumerated in the weighted average daily attendance calculation of the public school district which the student attended immediately prior to receiving the educational scholarship for each academic year in which the student receives the educational scholarship.

Senator Koster moved that the above amendment be adopted.

Senator Days raised the point of order that **SA 1** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SA 1 was again taken up.

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

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

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 993 and 770, Page 11, Section 135.1210, Line 5, by inserting immediately after said line the following:

“Section 1. Notwithstanding any provision of law to the contrary, the state auditor shall have the power to audit any school district within the state in the same manner as the auditor may audit any agency of the state. The school district shall pay for the actual cost of the audit. No school district shall be audited under this section more than once in any three calendar years or fiscal years.”; and

Further amend the title and enacting clause accordingly.

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

Senator Green offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 993 and 770, Page 11, Section 135.1210, Line 5, by inserting immediately after said line the following:

“163.095. For any district in the county with a charter form of government and with more than one million inhabitants that in calendar year 2005 (school year 2005-2006) erroneously set a levy in the capital projects fund rather than the incidental fund and reported the capital projects amount to the county for which the county issued tax notices and the district received taxes for calendar year 2005, the department of elementary and secondary education shall calculate the amount the district would have received in state school aid for fiscal year 2006 had the district placed the levy in the incidental fund rather than the capital projects fund and use this revised 2005-2006 calculated funding amount in the distribution of state school aid for fiscal year 2007 and subsequent years. The calculation shall not change the actual funding due the district for the 2005-2006 year.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

Senator Crowell raised the point of order that **SA 3** is out of order as it goes beyond the scope of the bill.

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

Senator Smith offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 993 and 770, Page 2, Section 135.1202, Line 20 of said page, by inserting immediately after the word “that” the following: **“employs teachers certified to teach special education,”**.

Senator Smith moved that the above amendment be adopted.

Senator Mayer assumed the Chair.

Senator Shoemyer offered **SSA 1** for **SA 4**:

SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 993 and 770, Page 2, Section 135.1202, Line 12 of said page, by striking all of said line and inserting in lieu thereof the following: **“disability and which students and their parents or legal guardians have expressly waived, in writing, all rights to a free and appropriate public education as provided in the Individuals with Disabilities Education Improvement Act;”**; and further amend lines 17-24, of said page, by striking all of said lines and inserting in lieu thereof the following:

“(9) “Qualified school”, either a public elementary or secondary school outside the district in which a student resides or a nonpublic elementary or secondary school in Missouri that employs teachers certified to teach special education, complies with all of the requirements of the program and complies with all state laws that apply to background checks of employees and potential employees in the public schools and exclude from employment any person not permitted to work in a public school and which private school conforms to the biennial audit requirements set forth in section 165.121, RSMo, relating to biennial audits of public school districts;”.

Senator Shoemyer moved that the above substitute amendment be adopted.

Senator Rupp assumed the Chair.

At the request of Senator Crowell, **SB 993** and **SB 770**, with **SCS, SS** for **SCS, SA 4** and **SSA 1** for **SA 4** (pending), were placed on the Informal Calendar.

HOUSE BILLS ON SECOND READING

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

HCS for **HBs 1595** and **1668**—Ways and Means.

HB 1371—Economic Development, Tourism and Local Government.

HB 1678—Pensions, Veterans’ Affairs and General Laws.

HB 1384—Judiciary and Civil and Criminal Jurisprudence.

HCS for **HB 1779**—Commerce, Energy and the Environment.

HCS for **HB 1619**—Seniors, Families and Public Health.

HB 1570—Judiciary and Civil and Criminal Jurisprudence.

HB 1711—Economic Development, Tourism and Local Government.

HB 1410—Economic Development, Tourism and Local Government.

On motion of Senator Goodman, the Senate recessed until 3:30 p.m.

RECESS

The time of recess having expired, the Senate was called to order by Senator Mayer.

HOUSE BILLS ON THIRD READING

HCS for **HB 2014**, with **SCS**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for purchase of equipment, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2008.

Was taken up by Senator Nodler.

SCS for **HCS** for **HB 2014**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2014

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for purchase of equipment, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2008.

Was taken up.

Senator Nodler moved that **SCS** for **HCS** for **HB 2014** be adopted, which motion prevailed.

On motion of Senator Nodler, **SCS** for **HCS** for **HB 2014** was read the 3rd time and passed by the following vote:

YEAS—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

Wilson—33

NAYS—Senators—None

Absent—Senator Vogel—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Nodler, title to the bill was agreed to.

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

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

SENATE BILLS FOR PERFECTION

Senator Stouffer moved that **SB 761** and **SB 774**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

SCS for **SBs 761** and **774**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 761 and 774

An Act to repeal sections 301.010, 301.130, 302.230, 302.272, 302.275, 302.321, 302.545, 302.700, 302.735, 302.755, 302.775, 304.016, 304.070, 304.230, 304.281, 306.016, 306.535, 307.100, 307.179, 311.326, 390.071, 390.136, 430.082, and 622.095, RSMo, and to enact in lieu thereof forty new sections relating to transportation, with penalty provisions, an effective date for certain sections, and an emergency clause for a certain section.

Was taken up.

Senator Stouffer moved that **SCS** for **SBs 761** and **774** be adopted.

Senator Stouffer offered **SS** for **SCS** for **SBs 761** and **774**, entitled:

SENATE SUBSTITUTE FOR SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 761 and 774

An Act to repeal sections 260.750, 301.010, 301.057, 301.058, 301.130, 301.140, 301.143, 301.218, 302.230, 302.272, 302.275, 302.321, 302.545, 302.700, 302.735, 302.755, 302.775, 304.016, 304.070, 304.079, 304.180, 304.230, 304.281, 306.016, 306.535, 307.100, 307.179, 311.326, 390.071, 390.136, 430.082, 590.050, and 622.095, RSMo, and to enact in lieu thereof fifty-three new sections relating to transportation, with penalty provisions, an effective date for certain sections, and an emergency clause for a certain section.

Senator Stouffer moved that **SS** for **SCS** for **SBs 761** and **774** be adopted.

Senator Green offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Page 2, Section 227.103, Line 21 of said page, by inserting after all of said line the following:

“227.295. 1. The department of transportation shall establish and administer a drunk driving victim memorial sign program. The provisions of this section shall be known as “David's Law”. The signs shall be placed upon the state highways in accordance with this section, placement guidelines adopted by the department, and any applicable federal limitations or conditions on highway signage,

including location and spacing.

2. The department shall adopt, by rules and regulations, program guidelines for the application for and placement of signs authorized by this section, including, but not limited to, the sign application and qualification process, the procedure for the dedication of signs, and procedures for the replacement or restoration of any signs that are damaged or stolen. The department shall also establish by rule, application procedures and methods for proving eligibility for the program.

3. Any person may apply to the department of transportation to sponsor a drunk driving victim memorial sign in memory of an immediate family member who died as a result of a motor vehicle accident caused by a person who was shown to have been operating a motor vehicle in violation of section 577.010 or 577.012, RSMo, or was committing an intoxication-related traffic offense at the time of the accident. Upon the request of an immediate family member of the deceased victim involved in a drunk driving accident, the department shall place a sign in accordance with this section. A person who is not a member of the immediate family may also submit a request to have a sign placed under this section if that person also submits the written consent of an immediate family member. The department shall charge the sponsoring party a fee to cover the department's cost in designing, constructing, placing, and maintaining that sign, and the department's costs in administering this section. Signs erected under this section shall remain in place for a period of ten years. After the expiration of the ten-year period, the department shall remove the sign unless the sponsoring party remits to the department of transportation a ten-year renewable fee to cover maintenance costs associated with the sign.

4. The signs shall feature the words "Drunk Driving Victim!", the initials of the victim, the month and year in which the victim of the drunk driving accident was killed, and the phrase "Who's Next?". The overall design of the sign, including size, color, and lettering, shall conform to the guidelines and regulations established by the department. The signs shall be placed near the scene of the accident.

5. All roadside memorials or markers commemorating the death of a drunk driving victim not meeting the provisions of this section are prohibited. No person, other than a department of transportation employee or the department's designee, may erect a drunk driving victim memorial sign.

6. As used in this section, the term "immediate family member" shall mean spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather.

7. The department shall adopt rules and regulations to implement and administer the provisions of this section. 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."; and

Further amend the title and enacting clause accordingly.

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

Senator Green offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Page 25, Section 301.010, Line 16, by inserting after all of said line the following:

“301.040. The director of revenue shall notify each registered motor vehicle owner by mail, at the last known address, within an appropriate period prior to the beginning of the registration period to which he has been assigned, of the date for reregistration. Such notice shall include an application blank for registration and shall specify the amount of license fees due and the registration period covered by such license. **No commercial inserts or other forms of advertising shall accompany the notice.** Application blanks shall also be furnished all branch offices of the department of revenue and license fee offices designated by the director of revenue under the provisions of section 136.055, RSMo, where they shall be made available to any person upon request. Failure of the owner to receive such notice shall not relieve the owner of the requirement to register pursuant to this chapter.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bartle, Callahan, Graham and Purgason.

SA 2 was adopted by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Coleman	Crowell	Days	Dempsey	Engler
Goodman	Graham	Green	Justus	Koster	Lager	McKenna	Purgason
Ridgeway	Shoemyer	Smith	Wilson—20				

NAYS—Senators

Bartle	Champion	Clemens	Gibbons	Griesheimer	Kennedy	Loudon	Mayer
Nodler	Rupp	Scott	Shields	Stouffer	Vogel—14		

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Purgason offered **SA 3**:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Pages 97-98, Section 306.535, by striking all of said section from the bill; and

Further amend the title and enacting clause accordingly.

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

Senator Loudon offered **SA 4**, which was read:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Page 2, Section 227.103, Line 21, by inserting after all of said line the following:

“227.700. The highways and transportation commission shall consider all expenditures of four million dollars or more made by any municipality or county government for the construction of any portion of a connector route that links any state highway of six or more lanes to a new alignment or extension of a Missouri highway of two lanes or more within any county with a charter form of government and with more than one million inhabitants to be a local match for purposes of any state or federal highway funding program administered by the commission.”; and

Further amend the title and enacting clause accordingly.

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

Senator Griesheimer offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Page 129, Section 590.050, Line 25, by inserting immediately after said line the following:

“643.340. 1. For the purpose of obtaining an emissions inspection only, a vehicle may be lawfully operated over the most direct route between the owner's usual domicile and an inspection station of the owner's choice, notwithstanding that the vehicle does not have a current state registration license.

2. A vehicle may be lawfully operated from an emissions inspection station to another place for the purpose of making repairs and back to the emissions inspection station, notwithstanding that the vehicle does not have a current state registration license.

3. For the purpose of obtaining an emissions inspection only, a vehicle may be lawfully operated for thirty days beyond the vehicle's registration expiration, notwithstanding that the vehicle does not have a current state registration license, if the vehicle is being driven to reset the vehicle's readiness monitors to pass the on-board diagnostic (OBD) emission inspection described in section 643.303. Vehicle operators shall keep a copy of the most recent failing OBD test results with them to present to law enforcement officers while they are operating the vehicle to reset the vehicle's readiness monitors. The late registration penalty fee described in section 301.050, RSMo, shall still apply if the vehicle is registered after its current registration expires.”; and

Further amend the title and enacting clause accordingly.

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

Senator Purgason offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Page 97, Section 306.016, Line 4, by inserting immediately after said line the following:

“306.228. 1. The commissioner may appoint from within the membership not more than one assistant commissioner, two majors, nine captains, nine lieutenants, and one director of radio, each of whom shall have the same qualifications as the commissioner, and such additional force of sergeants, corporals and

patrolmen], so that the total number of members of the patrol shall not exceed ninety-nine officers and patrolmen] and such numbers of radio personnel as the commissioner deems necessary.

2. In case of a national emergency the commissioner may name additional patrolmen and radio personnel in a number sufficient to replace, temporarily, patrolmen and radio personnel called into military services.

3. Applicants shall not be discriminated against because of race, creed, color, national origin, religion or sex.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bray offered SA 7:

SENATE AMENDMENT NO. 7

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Page 116, Section 385.436, Line 28 of said page, by inserting immediately after said line the following:

“389.948. 1. The provisions of this section shall only apply to contract carriers that transport railroad employees under the terms of a contractual agreement with a railroad corporation on a road or highway of this state in a vehicle designed to carry eight or fewer passengers, including the driver. As used in this section, the term “contract carrier” has the meaning set forth in section 390.020, RSMo.

2. A contract carrier that transports railroad employees shall:

(1) Require each driver who transports railroad employees to have a valid chauffeur's license (class E license) issued under the provisions of chapter 302, RSMo, and applicable regulations;

(2) Provide drug and alcohol screening under 49 CFR 40 et seq. for each driver who transports railroad employees;

(3) Conduct a background investigation of each person who transports railroad employees;

(4) Require an application for employment from each prospective driver;

(5) Conduct an annual review of the driving record of each driver who transports railroad employees; and

(6) Maintain a personnel file that includes a driving record for each driver who transports railroad employees.

3. A contract carrier that transports railroad employees shall limit the hours of service by a driver who transports railroad employees to sixteen hours of on duty time within any twenty-four hour period.

4. A contract carrier that transports railroad employees shall require a driver who has twelve hours of vehicle operation within any twenty-four hour period or sixteen hours of on duty time within any twenty-four hour period to have at least eight consecutive hours off duty before operating a vehicle again.

5. Any vehicle used by a contract carrier to transport railroad employees shall be maintained in

the safe and proper operating condition recommended for that particular vehicle. A contract carrier shall maintain a record of maintenance and repair for each vehicle used to transport railroad employees. The contract carrier shall retain such maintenance and repair records for a period of twelve months.

6. A contract carrier who transports railroad employees shall keep time records for six months indicating the time all for-hire motor carrier drivers report for duty, the time of relief from duty, hours driven, hours on duty, and hours off duty. All records required to be maintained under this section shall be made available for inspection to the director of the department of transportation or the director's designee.

7. All motor vehicles used by a contract carrier to transport railroad employees within this state shall meet all state and federal regulations pertaining to safe construction and maintenance. Such motor vehicles shall be operated in compliance with all state and federal regulations pertaining to driving and the transporting of passengers.

8. The driver of a vehicle used to transport railroad employees shall inspect the vehicle at the beginning and end of each day the vehicle is used to transport railroad employees. Each inspection shall include the completion of an inspection checklist in a manner and format prescribed by the commission. The inspection checklist shall be retained by the contract carrier in the maintenance record required under subsection 5 of this section for ninety days after the date of the inspection.

9. Each contract carrier shall maintain liability insurance in an amount not less than one and one half million dollars for each vehicle used to transport railroad employees.

10. Any contract carrier, driver of a vehicle that transports railroad employees, or any other person who violates the provisions of this section or any regulations promulgated thereto, shall be guilty of a class B misdemeanor.

11. The commission may, in enforcing the provisions of this section and regulations promulgated thereto, inspect any motor vehicle to which the provision of this section applies. Upon request, the superintendent of the Missouri state highway patrol shall assist the commission in these inspections.

12. The provisions established in this section shall be considered minimum standards and shall not be construed to supercede or abrogate any law, rule, or regulation which imposes stricter standards or regulations upon the operation of contract carriers that transport railroad employees.

13. The Missouri highways and transportation commission shall promulgate rules and regulations to implement and administer the provisions of this section. 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.”; and

Further amend the title and enacting clause accordingly.

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

Senator Coleman offered **SA 8**:

SENATE AMENDMENT NO. 8

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Page 2, Section A, Line 2, by inserting after all of said line the following:

“142.815. 1. Motor fuel used for the following nonhighway purposes is exempt from the fuel tax imposed by this chapter, and a refund may be claimed by the consumer, except as provided for in subsection (1) of this section, if the tax has been paid and no refund has been previously issued:

(1) Motor fuel used for nonhighway purposes including fuel for farm tractors or stationary engines owned or leased and operated by any person and used exclusively for agricultural purposes and including, beginning January 1, 2006, bulk sales of one hundred gallons or more of gasoline made to farmers and delivered by the ultimate vender to a farm location for agricultural purposes only. As used in this section, the term “farmer” shall mean any person engaged in farming in an authorized farm corporation, family farm, or family farm corporation as defined in section 350.010, RSMo. At the discretion of the ultimate vender, the refund may be claimed by the ultimate vender on behalf of the consumer for sales made to farmers and to persons engaged in construction for agricultural purposes as defined in section 142.800. After December 31, 2000, the refund may be claimed only by the consumer and may not be claimed by the ultimate vender unless bulk sales of gasoline are made to a farmer after January 1, 2006, as provided in this subdivision and the farmer provides an exemption certificate to the ultimate vender, in which case the ultimate vender may make a claim for refund under section 142.824 but shall be liable for any erroneous refund;

(2) Kerosene sold for use as fuel to generate power in aircraft engines, whether in aircraft or for training, testing or research purposes of aircraft engines;

(3) Diesel fuel used as heating oil, or in railroad locomotives or any other motorized flanged-wheel rail equipment, or used for other nonhighway purposes other than as expressly exempted pursuant to another provision.

2. Subject to the procedural requirements and conditions set out in this chapter, the following uses are exempt from the tax imposed by section 142.803 on motor fuel, and a deduction or a refund may be claimed:

(1) Motor fuel for which proof of export is available in the form of a terminal-issued destination state shipping paper and which is either:

(a) Exported by a supplier who is licensed in the destination state or through the bulk transfer system;

(b) Removed by a licensed distributor for immediate export to a state for which all the applicable taxes and fees (however nominated in that state) of the destination state have been paid to the supplier, as a trustee, who is licensed to remit tax to the destination state; or which is destined for use within the destination state by the federal government for which an exemption has been made available by the destination state subject to procedural rules and regulations promulgated by the director; or

(c) Acquired by a licensed distributor and which the tax imposed by this chapter has previously been paid or accrued either as a result of being stored outside of the bulk transfer system immediately prior to loading or as a diversion across state boundaries properly reported in conformity with this chapter and was subsequently exported from this state on behalf of the distributor;

The exemption pursuant to paragraph (a) of this subdivision shall be claimed by a deduction on the report of the supplier which is otherwise responsible for remitting the tax upon removal of the product from a terminal or refinery in this state. The exemption pursuant to paragraphs (b) and (c) of this subdivision shall be claimed by the distributor, upon a refund application made to the director within three years. A refund claim may be made monthly or whenever the claim exceeds one thousand dollars;

(2) Undyed K-1 kerosene sold at retail through dispensers which have been designed and constructed to prevent delivery directly from the dispenser into a vehicle fuel supply tank, and undyed K-1 kerosene sold at retail through nonbarricaded dispensers in quantities of not more than twenty-one gallons for use other than for highway purposes. Exempt use of undyed kerosene shall be governed by rules and regulations of the director. If no rules or regulations are promulgated by the director, then the exempt use of undyed kerosene shall be governed by rules and regulations of the Internal Revenue Service. A distributor or supplier delivering to a retail facility shall obtain an exemption certificate from the owner or operator of such facility stating that its sales conform to the dispenser requirements of this subdivision. A licensed distributor, having obtained such certificate, may provide a copy to his or her supplier and obtain undyed kerosene without the tax levied by section 142.803. Having obtained such certificate in good faith, such supplier shall be relieved of any responsibility if the fuel is later used in a taxable manner. An ultimate vendor who obtained undyed kerosene upon which the tax levied by section 142.803 had been paid and makes sales qualifying pursuant to this subsection may apply for a refund of the tax pursuant to application, as provided in section 142.818, to the director provided the ultimate vendor did not charge such tax to the consumer;

(3) Motor fuel sold to the United States or any agency or instrumentality thereof. This exemption shall be claimed as provided in section 142.818;

(4) Motor fuel used solely and exclusively as fuel to propel school buses, as such term is defined under subdivision (19) of section 302.010, RSMo, on the public roads and highways of this state when leased or owned and when being operated by a public school district of this state, or leased or owned by a person under contract with such district for the provision of bus services for educational purposes. The exemption for use under this subdivision shall be made available to the school district for whose educational purposes the fuel is consumed, whether the fuel was purchased by such school district or by another under a contract to provide bus service for such school district, upon a refund application stating that the motor fuel was purchased for the exclusive use of the school districts.

(5) Motor fuel used solely and exclusively as fuel to propel motor vehicles on the public roads and highways of this state when leased or owned and when being operated by a federally recognized Indian tribe in the performance of essential governmental functions, such as providing police, fire, health or water services. The exemption for use pursuant to this subdivision shall be made available to the tribal government upon a refund application stating that the motor fuel was purchased for the exclusive use of the tribe in performing named essential governmental services;

[(5)] (6) Motor fuel sold within an Indian reservation or within Indian country by a federally recognized Indian tribe to a member of that tribe and used in motor vehicles owned by a member of the tribe within Indian country. This exemption does not apply to sales within an Indian reservation or within Indian country by a federally recognized Indian tribe to non-Indian consumers or to Indian consumers who are not members of the tribe selling the motor fuel. This exemption shall be administered as provided in section 142.821;

[(6)] (7) That portion of motor fuel used to operate equipment attached to a motor vehicle, if the motor

fuel was placed into the fuel supply tank of a motor vehicle that has a common fuel reservoir for travel on a highway and for the operation of equipment, or if the motor fuel was placed in a separate fuel tank and used only for the operation of auxiliary equipment. The exemption for use pursuant to this subdivision shall be claimed by a refund claim filed by the consumer who shall provide evidence of an allocation of use satisfactory to the director;

[(7)] **(8)** Motor fuel acquired by a consumer out-of-state and carried into this state, retained within and consumed from the same vehicle fuel supply tank within which it was imported, except interstate motor fuel users;

[(8)] **(9)** Motor fuel which was purchased tax-paid and which was lost or destroyed as a direct result of a sudden and unexpected casualty or which had been accidentally contaminated so as to be unsalable as highway fuel as shown by proper documentation as required by the director. The exemption pursuant to this subdivision shall be refunded to the person or entity owning the motor fuel at the time of the contamination or loss. Such person shall notify the director in writing of such event and the amount of motor fuel lost or contaminated within ten days from the date of discovery of such loss or contamination, and within thirty days after such notice, shall file an affidavit sworn to by the person having immediate custody of such motor fuel at the time of the loss or contamination, setting forth in full the circumstances and the amount of the loss or contamination and such other information with respect thereto as the director may require;

[(9)] **(10)** Dyed diesel fuel or dyed kerosene used for an exempt purpose. This exemption shall be claimed as follows:

(a) A supplier or importer shall take a deduction against motor fuel tax owed on their monthly report for those gallons of dyed diesel fuel or dyed kerosene imported or removed from a terminal or refinery destined for delivery to a point in this state as shown on the shipping papers;

(b) This exemption shall be claimed by a deduction on the report of the supplier which is otherwise responsible for remitting the tax on removal of the product from a terminal or refinery in this state;

(c) This exemption shall be claimed by the distributor, upon a refund application made to the director within three years. A refund claim may be made monthly or whenever the claim exceeds one thousand dollars.”; and

Further amend the title and enacting clause accordingly.

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

Senator Justus offered **SA 9**:

SENATE AMENDMENT NO. 9

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Pages 45-48, Section 302.305, by striking all of said section as it appears on said pages; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Barnitz, Bray, Days and Koster.

SA 9 failed of adoption by the following vote:

YEAS—Senators

Barnitz Bray Coleman Days Green Justus McKenna Shoemyer

Smith Wilson—10

NAYS—Senators

Bartle	Callahan	Champion	Clemens	Crowell	Dempsey	Engler	Gibbons
Goodman	Graham	Griesheimer	Kennedy	Koster	Lager	Loudon	Mayer
Nodler	Purgason	Ridgeway	Rupp	Scott	Shields	Stouffer	Vogel—24

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

Senator Lager assumed the Chair.

Senator Ridgeway offered **SA 10**:

SENATE AMENDMENT NO. 10

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Page 128, Section 430.082, Line 25, by inserting after all of said line the following:

“577.023. 1. For purposes of this section, unless the context clearly indicates otherwise:

(1) An “aggravated offender” is a person who:

(a) Has pleaded guilty to or has been found guilty of three or more intoxication-related traffic offenses;

or

(b) Has pleaded guilty to or has been found guilty of one or more intoxication-related traffic offense and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; or assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo;

(2) A “chronic offender” is:

(a) A person who has pleaded guilty to or has been found guilty of four or more intoxication-related traffic offenses; or

(b) A person who has pleaded guilty to or has been found guilty of, on two or more separate occasions, any combination of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo; or

(c) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses and, in addition, any of the following: involuntary manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024, RSMo; murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense; assault in the second degree under

subdivision (4) of subsection 1 of section 565.060, RSMo; or assault of a law enforcement officer in the second degree under subdivision (4) of subsection 1 of section 565.082, RSMo;

(3) An “intoxication-related traffic offense” is driving while intoxicated, driving with excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo, murder in the second degree under section 565.021, RSMo, where the underlying felony is an intoxication-related traffic offense, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, RSMo, or driving under the influence of alcohol or drugs in violation of state law or a county or municipal ordinance, where the defendant was represented by or waived the right to an attorney in writing;

(4) A “persistent offender” is one of the following:

(a) A person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses;

(b) A person who has pleaded guilty to or has been found guilty of involuntary manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, RSMo, assault in the second degree pursuant to subdivision (4) of subsection 1 of section 565.060, RSMo, assault of a law enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section 565.082, RSMo; and

(5) A “prior offender” is a person who has pleaded guilty to or has been found guilty of one intoxication-related traffic offense, where such prior offense occurred within five years of the occurrence of the intoxication-related traffic offense for which the person is charged.

2. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A misdemeanor.

3. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D felony.

4. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a class C felony.

5. Any person who pleads guilty to or is found guilty of a violation of section 577.010 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class B felony.

6. No state, county, or municipal court shall suspend the imposition of sentence as to a prior offender, persistent offender, aggravated offender, or chronic offender under this section nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011, RSMo, to the contrary notwithstanding. No prior offender shall be eligible for parole or probation until he or she has served a minimum of five days imprisonment, unless as a condition of such parole or probation such person performs at least thirty days of community service under the supervision of the court in those jurisdictions which have a recognized program for community service. No persistent offender shall be eligible for parole or probation until he or she has served a minimum of ten days imprisonment, unless as a condition of such parole or probation such person performs at least sixty days of community service under the supervision of the court. No aggravated offender shall be eligible for parole or probation until he or she has served a minimum of sixty days imprisonment. No chronic offender shall be eligible for parole or probation until he or she has served a minimum of two years imprisonment.

7. The state, county, or municipal court shall find the defendant to be a prior offender, persistent offender, aggravated offender, or chronic offender if:

(1) The indictment or information, original or amended, or the information in lieu of an indictment pleads all essential facts warranting a finding that the defendant is a prior offender or persistent offender; and

(2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender; and

(3) The court makes findings of fact that warrant a finding beyond a reasonable doubt by the court that the defendant is a prior offender, persistent offender, aggravated offender, or chronic offender.

8. In a jury trial, the facts shall be pleaded, established and found prior to submission to the jury outside of its hearing.

9. In a trial without a jury or upon a plea of guilty, the court may defer the proof in findings of such facts to a later time, but prior to sentencing.

10. The defendant shall be accorded full rights of confrontation and cross-examination, with the opportunity to present evidence, at such hearings.

11. The defendant may waive proof of the facts alleged.

12. Nothing in this section shall prevent the use of presentence investigations or commitments.

13. At the sentencing hearing both the state, county, or municipality and the defendant shall be permitted to present additional information bearing on the issue of sentence.

14. The pleas or findings of guilty shall be prior to the date of commission of the present offense.

15. The court shall not instruct the jury as to the range of punishment or allow the jury, upon a finding of guilty, to assess and declare the punishment as part of its verdict in cases of prior offenders, persistent offenders, aggravated offenders, or chronic offenders.

16. Evidence of a prior [convictions] **plea of guilty or finding of guilty in an intoxication-related traffic offense** shall be heard and determined by the trial court out of the hearing of the jury prior to the submission of the case to the jury, and shall include but not be limited to evidence of convictions received by a search of the records of the Missouri uniform law enforcement system maintained by the Missouri state highway patrol. After hearing the evidence, the court shall enter its findings thereon. A [conviction of a violation of a municipal or county ordinance in a county or municipal court for driving while intoxicated or a conviction or a] plea of guilty or a finding of guilty followed by **incarceration**, a suspended imposition of sentence, suspended execution of sentence, probation or parole or any combination thereof in **any intoxication-related traffic offense in a state, county or municipal court or any combination thereof**, shall be treated as a prior [conviction] **plea of guilty or finding of guilty for purposes of this section.**"; and

Further amend said bill, page 132, section D, line 15 by inserting immediately after the word "law" the following:

"and the need to protect public safety and ensure that persons guilty of multiple intoxication-related traffic offenses receive an appropriate sentence"; and further amend line 16 by inserting immediately after the word "section 307.179" the following: "and section 577.023"; and further amend line 20 by inserting

immediately after the word “section 307.179” the following: “and section 577.023”; and

Further amend the title and enacting clause accordingly.

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

Senator Barnitz offered **SA 11**:

SENATE AMENDMENT NO. 11

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Page 129, Section 590.050, Line 25 of said page, by inserting after all of said line the following:

“Section 1. 1. Every railroad company and railroad corporation that operates trains within the state shall provide the Missouri emergency response commission or any other designee approved by the governor of the state of Missouri with a monthly report of all key shipments of hazardous materials which were transported by said railroad company or corporation through or within the state of Missouri. A separate report shall be made for every month in which any key shipments were transported. The report shall be due within sixty days following the last day of the month being reported and shall include only information for that month.

2. For purposes of this section, “key shipments of hazardous materials” are cars loaded by the railroad carrier with any of the following commodities:

(1) Spent nuclear fuel (SNF) or high level radioactive waste (HLRW) moving under the following hazardous materials response codes (STCC):

- (a) 4829135;**
- (b) 4929125;**
- (c) 4929135;**
- (d) 4929140; or**
- (e) 4929150;**

(2) Any tank cars containing materials that require the phrase “poison-inhalation hazard”, hazard zone A, B, C, or D on the shipping papers, or anhydrous ammonia, identification number UN 1005;

(3) Cars transporting Class 1.1 or Class 1.2 explosives.

3. The report shall include the following information regarding each key shipment of hazardous materials:

- (1) The railroad that handled said shipment;**
- (2) The car initials and number;**
- (3) The weight and quantity of railcar, trailer, or container;**
- (4) The material transported in railcar, trailer, or container including proper shipping name and U.N. or N.A. number;**
- (5) The route of shipment from the point where it either originated within or entered the state and until it either exited or reached its final destination for unloading or storage within the state. The**

route shall include timetable station names at intervals of not more than sixty miles.

4. Any shipments moved less than a total distance of ten miles shall be exempt from the requirements of this section.”; and

Further amend the title and enacting clause accordingly.

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

Senator Justus offered **SA 12**:

SENATE AMENDMENT NO. 12

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 761 and 774, Page 128, Section 430.082, Line 25, by inserting after all of said line the following:

“478.001. **1.** Drug courts may be established by any circuit court pursuant to sections 478.001 to 478.006 to provide an alternative for the judicial system to dispose of cases which stem from drug use. A drug court shall combine judicial supervision, drug testing and treatment of drug court participants. Except for good cause found by the court, a drug court making a referral for substance abuse treatment, when such program will receive state or federal funds in connection with such referral, shall refer the person only to a program which is certified by the department of mental health, unless no appropriate certified treatment program is located within the same county as the drug court. Upon successful completion of the treatment program, the charges, petition or penalty against a drug court participant may be dismissed, reduced or modified. Any fees received by a court from a defendant as payment for substance treatment programs shall not be considered court costs, charges or fines.

2. DWI courts may be established by any circuit court to provide an alternative for the judicial system to dispose of cases involving any criminal charge for an intoxication-related traffic offense, as defined by section 577.023, RSMo, that involves the use or abuse of alcohol, or any case in which it is alleged that a person was operating a motor vehicle with twenty hundredths of one percent or more by weight of alcohol in his or her blood. At the option of each circuit, such cases may be referred to an existing drug court in the circuit, or the circuit may establish a separate DWI court to hear and dispose of such cases. If a separate DWI court is established, the majority of the judges of the circuit court may designate a judge to hear such cases, or, in lieu thereof and subject to appropriations or other funds available for such purpose, a majority of the judges of the circuit court may appoint a person or persons to act as DWI court commissioner. Upon successful completion of the treatment program, a participant under this subsection may be granted a suspended execution of sentence, or may have the sentence or penalty be reduced or modified. Successful completion of the treatment program shall not result in a participant under this subsection being granted a suspended imposition of sentence.”; and

Further amend the title and enacting clause accordingly.

Senator Justus moved that the above amendment be adopted.

Senator Stouffer raised the point of order that **SA 12** is out of order as it goes beyond the scope of the bill.

The point of order was referred to the President Pro Tem who ruled it not well taken.

SA 12 was again taken up.

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

Senator Stouffer moved that **SS** for **SCS** for **SBs 761** and **774**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS** for **SCS** for **SBs 761** and **774**, as amended, was declared perfected and ordered printed.

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, after examination of **SB 1204**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1099**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, after examination of **SB 1081**, with **SCS**, respectfully requests that it be removed from the Senate Consent Calendar in accordance with the provisions of Senate Rule 45.

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SBs 714, 933, 899** and **758**; and **SCS** for **SB 939**, 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.

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 2153, regarding the Class 2A State Champion Monett High School Wrestling Team, which was adopted.

Senator Goodman offered Senate Resolution No. 2154, regarding the Fiftieth Wedding Anniversary of Wessley and Jane Daniel, Mount Vernon, which was adopted.

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

March 26, 2008

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

Dear Mrs. Spieler:

Please be advised that I am removing Senator Delbert Scott from the Missouri Health Insurance Pool, and appointing Senator Scott Rupp to

said committee.

Please feel free to contact me if you have any questions regarding this matter.

Yours truly,
/s/ Michael R. Gibbons
MICHAEL R. GIBBONS

INTRODUCTIONS OF GUESTS

Senator Days introduced to the Senate, her sister, Millicent Martin, Minden, Louisiana.

Senator Barnitz introduced to the Senate, Patrick Vining, Waynesville High School.

Senator Goodman introduced to the Senate, his son, Jack Elliott Goodman, Mt. Vernon; and Jack Elliott was made an honorary page.

Senator Loudon introduced to the Senate, Dr. John Gaal, his wife, Mary and their children, John Jr., Jake and Leah, Ballwin.

Senator Gibbons introduced to the Senate, Trudy Stringer, Fenton; Austin Hanse and Tim Luczak, St. Louis; and Jim Hurster, Chicago, Illinois.

Senator Kennedy introduced to the Senate, Ed Beffa and his children, Sam, Gus and Max, St. Louis; and Sam, Gus and Max were made honorary pages.

On behalf of Senator Rupp, the President introduced to the Senate, his parents, Chester and Eleanor Rupp, St. Charles; and Marietta Brandt, Carlock, Illinois.

Senator Dempsey introduced to the Senate, fourth grade students from Living Word Christian School, St. Peters.

Senator Koster introduced to the Senate, Allison George and fourth grade students from Knob Knoster Elementary School, and Trevor Kudzinski, Kennedy Ross and Marie Barlow were made honorary pages.

Senator Goodman introduced to the Senate, seventh and eighth grade students from Bradleyville School, Taney County.

Senator Lager introduced to the Senate, students from Helena Elementary School.

Senator Lager introduced to the Senate, students from New York Elementary School, Hamilton.

Senator Green introduced to the Senate, Principal Kerry McDaniel, Sue Downs, Cheryl Scurry, parents and fourth grade students from Robinwood Elementary School, Florissant; and Tyler Webster, Dominique Hanson, Mia Barnes and Dylan Switcher were made honorary pages.

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

SENATE CALENDAR

FORTY-FIRST DAY—THURSDAY, MARCH 27, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS#2 for HB 1463

THIRD READING OF SENATE BILLS

SB 822-Shoemyer

SS for SCS for SB 898-Clemens

(In Fiscal Oversight)

SCS for SB 907-Engler and Gibbons

(In Fiscal Oversight)

SB 1116-Days

SS for SCS for SJRs 34 & 30-Crowell
and Coleman

SCS for SB 767-Goodman and Gibbons

(In Fiscal Oversight)

SS for SCS for SBs 714, 933, 899 &
758-Loudon

SCS for SB 939-Stouffer

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SS for SCS for SB 726-Shields

SCS for SB 759-Stouffer

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS

SB 713-Gibbons, with SCS

SB 716-Loudon, et al

SB 717-Kennedy and Shields

SB 729-Griesheimer, with SCS

SB 749-Ridgeway, with SCS

SB 756-Engler and Rupp, with SCS (pending)

SB 764-Wilson, et al, with SA 2 (pending)

SB 768-Rupp and Gibbons, with SCS

SB 776-Justus and Koster, with SCS

SB 809-Stouffer, with SCS

SB 811-Stouffer, with SCS

SB 815-Goodman

SB 817-Goodman

SB 821-Shoemyer, with SCS (pending)

SBs 840 & 857-Engler, with SCS

SB 846-Rupp, with SCS

SB 865-Rupp and Gibbons, with SCS

SB 873-Graham, with SCS

SB 874-Graham, with SCS

SB 881-Green

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

SB 915-Ridgeway	SB 996-Crowell, with SCS
SB 929-Green and Callahan, with SCS	SB 997-Crowell
SBs 930 & 947-Stouffer, with SCS	SB 1007-Loudon
SB 957-Goodman	SB 1035-Scott, with SCS
SB 967-Mayer, with SCS (pending)	SB 1046-Mayer
SBs 982, 834 & 819-Purgason, with SCS	SB 1058-Mayer
SB 990-Champion	SB 1093-Loudon, et al
SBs 993 & 770-Crowell, with SCS, SS for SCS, SA 4 and SSA 1 for SA 4 (pending)	SB 1103-Gibbons

CONSENT CALENDAR

Senate Bills

Reported 3/6

SB 790-Champion	SB 1089-Justus, with SCS
SB 1016-Mayer	SB 1033-Griesheimer, with SCS
SB 863-Rupp	SB 980-Ridgeway
SB 1073-Dempsey	SB 1151-Barnitz
SB 805-Mayer	SB 956-Kennedy
SB 1044-Stouffer, with SCS	SB 797-Bray

Reported 3/13

SB 1105-Coleman, with SCS	SB 1209-Callahan, with SCS
SB 979-Vogel	SBs 1153, 1154, 1155 & 1156-Crowell, with SCS
SB 1150-Barnitz, with SCS	SB 1168-Dempsey and Smith, with SCS
SB 1140-Vogel	SB 733-Champion and Gibbons
SB 1141-Vogel	SB 932-Loudon
SB 1175-Goodman	SB 976-Ridgeway
SB 1177-Barnitz	SB 1074-Dempsey and Graham
SB 1190-Nodler	SB 1185-Gibbons and Bartle, with SCS
SB 1187-Purgason	SB 1235-Justus, with SCS
SB 1288-Shields	SB 1261-Bray, with SCS
SB 1131-Wilson, with SCS	SB 928-Green
SB 1135-Callahan	SB 839-Engler
SB 1157-Green, with SCS	SBs 1225 & 1226-Mayer, with SCS
SB 1149-Engler	

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