

# Journal of the Senate

SECOND REGULAR SESSION

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**FORTY-SIXTH DAY—MONDAY, APRIL 7, 2008**

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The Senate met pursuant to adjournment.

Senator Vogel in the Chair.

## **HOUSE BILLS ON SECOND READING**

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

**HCS for HB 1807**—Education.

**HB 1881**—Agriculture, Conservation, Parks and Natural Resources.

**HB 1869**—Education.

**HB 1946**—Seniors, Families and Public Health.

**HCS for HB 2204**—Pensions, Veterans' Affairs and General Laws.

**HCS for HB 2104**—Pensions, Veterans' Affairs and General Laws.

**HB 2226**—Ways and Means.

**HB 1784**—Pensions, Veterans' Affairs and General Laws.

**HB 1419**—Financial and Governmental Organizations and Elections.

**HB 1706**—Pensions, Veterans' Affairs and General Laws.

**HCS for HB 1707**—Financial and Governmental Organizations and Elections.

**HB 1710**—Pensions, Veterans' Affairs and General Laws.

**HB 1617**—Financial and Governmental Organizations and Elections.

**HB 1791**—Financial and Governmental Organizations and Elections.

**HCS for HB 1804**—Economic Development, Tourism and Local Government.

**HB 1828**—Ways and Means.

**HB 1864**—Financial and Governmental Organizations and Elections.

- HCS for HB 1893**—Small Business, Insurance and Industrial Relations.
- HCS for HB 1883**—Small Business, Insurance and Industrial Relations.
- HCS for HB 1904**—Governmental Accountability and Fiscal Oversight.
- HCS for HB 1910**—Economic Development, Tourism and Local Government.
- HB 1995**—Economic Development, Tourism and Local Government.
- HCS for HB 2064**—Financial and Governmental Organizations and Elections.
- HCS for HB 2360**—Transportation.
- HB 2047**—Economic Development, Tourism and Local Government.
- HCS for HB 1783**—Pensions, Veterans' Affairs and General Laws.
- HB 1861**—Commerce, Energy and the Environment.
- HB 1887**—Transportation.
- HB 1937**—Transportation.
- HB 1952**—Transportation.
- HCS for HB 2036**—Seniors, Families and Public Health.
- HCS for HB 2048**—Education.
- HCS for HB 2068**—Financial and Governmental Organizations and Elections.
- HB 2051**—Financial and Governmental Organizations and Elections.
- HCS for HB 2082**—Financial and Governmental Organizations and Elections.
- HCS for HB 2206**—Transportation.
- HB 2157**—Judiciary and Civil and Criminal Jurisprudence.
- HB 2224**—Economic Development, Tourism and Local Government.
- HB 2213**—Education.
- HB 2233**—Financial and Governmental Organizations and Elections.
- HB 2258**—Financial and Governmental Organizations and Elections.
- HCS for HB 1546**—Health and Mental Health.
- HB 1416**—Pensions, Veterans' Affairs and General Laws.
- HB 1824**—Pensions, Veterans' Affairs and General Laws.
- HB 1640**—Judiciary and Civil and Criminal Jurisprudence.

#### **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 2188**, entitled:

An Act to repeal sections 339.100, 339.532, 443.809, 443.810, and 443.891, RSMo, and to enact in lieu thereof nine new sections relating to mortgage fraud, with penalty provisions.

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 1773**, entitled:

An Act to repeal section 143.161, RSMo, and to enact in lieu thereof one new section relating to Missouri dependency exemptions.

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 **HCS** for **HB 1715**, entitled:

An Act to repeal sections 304.157, 306.010, 306.015, 306.030, 306.100, 306.111, 306.112, 306.114, 306.117, 306.124, 306.125, 306.132, 306.147, 306.163, 306.221, 306.228, 565.024, 565.082, and 577.080, RSMo, and to enact in lieu thereof twenty new sections relating to watercraft, with penalty provisions.

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 **HCS** for **HB 2041**, entitled:

An Act to repeal section 288.250, RSMo, and to enact in lieu thereof one new section relating to the disclosure of confidential unemployment information, with a penalty provision.

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 1832**, entitled:

An Act to amend chapter 64, RSMo, by adding thereto fifteen new sections relating to the Missouri county planning act, with penalty provisions.

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 **HCS** for **HB 1341**, entitled:

An Act to amend chapter 316, RSMo, by adding thereto one new section relating to liability insurance of a for-profit private swimming pool or facility, with a penalty provision and 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 **HCS** for **HJR 41**, entitled:

Joint Resolution submitting to the qualified voters of Missouri an amendment repealing section 1 of article V of the Constitution of Missouri, and adopting one new section in lieu thereof relating to state court jurisdiction.

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 **HCS** for **HB 1790**, entitled:

An Act to repeal sections 190.100, 190.176, 190.200, 190.241, 190.243, and 190.245, RSMo, and to enact in lieu thereof six new sections relating to the time critical diagnosis system.

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 **HCS** for **HB 1393**, entitled:

An Act to repeal section 302.020, RSMo, and to enact in lieu thereof one new section relating to protective headgear for operation of motorcycles or motortricycles, with penalty provisions.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### **REFERRALS**

President Pro Tem Gibbons referred **SCR 40** to the Committee on Rules, Joint Rules, Resolutions and Ethics.

On motion of Senator Gibbons, the Senate recessed until 4:00 p.m.

**RECESS**

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

Reverend Carl Gauck offered the following prayer:

“Moses said, ‘Show me your glory, I pray.’” (Exodus 33:18)

Glorious Lord, You are too wonderful for us to behold! Help us to see Your glory in the eyes of the poor, hear Your voice in the words of a child and taste Your goodness You provide us in our daily bread and all we need each day. And experiencing Your glory may we live as You desire for us this new week. 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, April 3, 2008 was read and approved.

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

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Engler	Gibbons	Goodman	Graham	Green	Griesheimer
Justus	Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler
Purgason	Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer
Vogel	Wilson—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Coleman offered Senate Resolution No. 2262, regarding the death of Doris V. Boyd Middlebrooks, St. Louis, which was adopted.

Senator Lager offered Senate Resolution No. 2263, regarding the One Hundred Seventy-fifth Anniversary of the city of Plattsburg and Clinton County, which was adopted.

Senator Gibbons offered Senate Resolution No. 2264, regarding Timothy Joseph Schuessler, which was adopted.

Senator Mayer offered Senate Resolution No. 2265, regarding McAllister Software Systems, Inc., Piedmont, which was adopted.

Senator Days offered Senate Resolution No. 2266, regarding Kim R. Besserman, which was adopted.

Senator Lager offered Senate Resolution No. 2267, regarding Kiley Slater, which was adopted.

Senator Lager offered Senate Resolution No. 2268, regarding Kristy Thompson, Cameron, which was adopted.

Senator Lager offered Senate Resolution No. 2269, regarding Katherine Hoffman, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 2270, regarding the Eightieth Birthday of Irma Merrick, Maryville, which was adopted.

Senator McKenna offered Senate Resolution No. 2271, regarding Chris Sinks, Arnold, which was adopted.

Senator Barnitz offered Senate Resolution No. 2272, regarding Marilyn J. Timmons, Dixon, which was adopted.

Senator Shields offered Senate Resolution No. 2273, regarding Matthew David Buchholz, which was adopted.

Senator Dempsey offered Senate Resolution No. 2274, regarding the Sixtieth Anniversary of the St. Charles Jaycees, which was adopted.

Senator Dempsey offered Senate Resolution No. 2275, regarding Mickey Carroll, Saint Louis, which was adopted.

Senator Dempsey offered Senate Resolution No. 2276, regarding Diana Francis, Saint Louis, which was adopted.

Senator Dempsey offered Senate Resolution No. 2277, regarding Thomas Currier, Saint Louis, which was adopted.

#### **SENATE BILLS FOR PERFECTION**

Senator Crowell moved that **SB 993** and **SB 770**, with **SCS, SS** for **SCS, SA 4** and **SSA 1** for **SA 4** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

**SSA 1** for **SA 4** was again taken up.

Senator Shoemyer moved that the above substitute amendment be adopted.

Senator Rupp assumed the Chair.

President Kinder assumed the Chair.

Senator Engler assumed the Chair.

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.

#### **MESSAGES FROM THE HOUSE**

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1849**, entitled:

An Act to repeal section 89.120, as enacted by senate committee substitute for house substitute for house committee substitute for house bills nos. 977 & 1608, eighty-ninth general assembly, second regular session,

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

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 **HCR 23**, entitled:

HOUSE CONCURRENT RESOLUTION NO. 23  
Relating to the observance of Ronald Reagan Day in Missouri.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Whereas, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, Union leader, corporate spokesman, Governor of California, and President of the United States; and

Whereas, Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States of America, the second of which he earned the confidence of 60% of the electorate and was victorious in 49 of the 50 states in the general election - a record unsurpassed in the history of American presidential elections; and

Whereas, in 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

Whereas, during Mr. Reagan's presidency, he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government which led to an unprecedented economic expansion and opportunity for millions of Americans; and

Whereas, Mr Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

Whereas, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the free world, and prepared America's Armed Forces to meet 21st Century challenges; and

Whereas, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

Whereas, February 6, 2008, will be the 97th anniversary of Ronald Reagan's birth, and the third since his passing:

Now, therefore, be it resolved that the members of the House of Representatives of the Ninety-fourth General Assembly, Second Regular Session, the Senate concurring therein, hereby declare February 6th of each year to be "Ronald Reagan Day" in Missouri and urge all citizens of Missouri to recognize this event and participate fittingly in its observance; and

Be it further resolved that this resolution be sent to the Governor for his approval or rejection pursuant to the Missouri Constitution.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

### MESSAGES FROM THE GOVERNOR

The following message was received from the Governor, reading of which was waived:

OFFICE OF THE GOVERNOR  
State of Missouri  
Jefferson City  
65101  
April 7, 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:

Charles R. Pryor, Republican, 410 West Newton, Versailles, Morgan County, Missouri 65084, as a member of the Board of Probation and Parole, for a term ending April 7, 2014, and until his successor is duly appointed and qualified; vice, Ansel Card, resigned.

Respectfully submitted,  
MATT BLUNT

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

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

## SENATE CALENDAR

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FORTY-SEVENTH DAY—TUESDAY, APRIL 8, 2008

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### FORMAL CALENDAR

#### HOUSE BILLS ON SECOND READING

HCS for HB 2188  
HB 1773-Funderburk, et al  
HCS for HB 1715  
HCS for HB 2041  
HB 1832-Cooper (120), et al

HCS for HB 1341  
HCS for HJR 41  
HCS for HB 1790  
HCS for HB 1393  
HB 1849-Pratt and Curls

#### THIRD READING OF SENATE BILLS

SS for SCS for SB 898-Clemens  
(In Fiscal Oversight)  
SS for SCS for SB 768-Rupp  
(In Fiscal Oversight)

SS for SCS for SB 846-Rupp  
(In Fiscal Oversight)

#### SENATE BILLS FOR PERFECTION

1. SB 904-Griesheimer, with SCS  
2. SB 1077-Goodman  
3. SB 917-Goodman, et al  
4. SB 1139-Dempsey, et al, with SCS  
5. SB 748-Ridgeway  
6. SB 1244-Barnitz  
7. SB 1240-Dempsey  
8. SB 1159-Gibbons

9. SB 861-Shoemyer, with SCS  
10. SB 1180-Crowell  
11. SB 1278-Shields  
12. SB 1057-Scott, with SCS  
13. SJR 43-Loudon  
14. SB 1183-Bray, with SCS  
15. SB 1158-Mayer, with SCS

#### HOUSE BILLS ON THIRD READING

HB 1661-LeVota, et al (Ridgeway)



INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SBs 712 & 882-Gibbons and Rupp, with SCS	SB 990-Champion
SB 713-Gibbons, with SCS	SBs 993 & 770-Crowell, with SCS, SS for
SB 716-Loudon, et al	SCS, SA 4 and SSA 1 for SA 4 (pending)
SB 717-Kennedy and Shields	SB 996-Crowell, with SCS
SB 729-Griesheimer, with SCS	SB 997-Crowell
SB 749-Ridgeway, with SCS	SB 1000-Justus
SB 756-Engler and Rupp, with SCS (pending)	SB 1007-Loudon, with SA 2 (pending)
SB 776-Justus and Koster, with SCS	SBs 1021 & 870-Loudon, et al, with SCS
SB 809-Stouffer, with SCS	SB 1035-Scott, with SCS
SB 811-Stouffer, with SCS, SA 1 & point of	SB 1040-Clemens, with SCS
order (pending)	SB 1046-Mayer
SB 815-Goodman	SB 1052-Rupp
SB 817-Goodman	SB 1054-Dempsey, with SCS
SB 821-Shoemyer, with SCS (pending)	SB 1058-Mayer
SBs 840 & 857-Engler, with SCS & SS for	SB 1067-Ridgeway, et al
SCS (pending)	SB 1081-Nodler and Green, with SCS
SB 865-Rupp and Gibbons, with SCS	SB 1093-Loudon, et al
SB 874-Graham, with SCS	SB 1094-Loudon, with SCS
SB 881-Green	SB 1099-Graham
SBs 909, 954, 934 & 1003-Engler, with SCS	SB 1103-Gibbons
SB 915-Ridgeway	SB 1138-McKenna, with SCS
SB 929-Green and Callahan, with SCS	SBs 1234 & 1270-Shields, with SCS
SB 957-Goodman	SJR 45-Clemens
SBs 982, 834 & 819-Purgason, with SCS	

BILLS IN CONFERENCE AND BILLS  
CARRYING REQUEST MESSAGES

In Conference

HCS for HB 2014, with SCS (Nodler)

RESOLUTIONS

Reported from Committee

SCR 31-Barnitz  
SCR 36-Green

SCR 39-Shields, with SCS

To be Referred

HCR 23-Dixon, et al

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