

Journal of the Senate

SECOND REGULAR SESSION

SIXTIETH DAY—WEDNESDAY, APRIL 30, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“(Contemplation) is..life itself, fully awake, fully active, fully aware that it is alive. It is spiritual wonder. It is spontaneous awe at the sacredness of life, of being.” (Thomas Merton)

Almighty God, help us to take time each day for contemplation that we might be fully alive to Your presence and to the preciousness of life and living in each moment fully. Help us to be aware of the sacredness of all life and those that we share it with. Help us be Your person in the task that You have for us each day in all that is expected of us. And help us be still and know that You are God. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

Senator Lager assumed the Chair.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

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

Present—Senators

Barnitz	Bartle	Bray	Callahan	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 Days offered Senate Resolution No. 2535, regarding Meltoya Jones, St. Louis, which was adopted.

Senator Days offered Senate Resolution No. 2536, regarding the Sixtieth Birthday of Chester A. Deanes, Jr., St. Louis, which was adopted.

Senator Days offered Senate Resolution No. 2537, regarding Maribel Ramos, Jefferson City, which was adopted.

Senator Stouffer offered Senate Resolution No. 2538, regarding Chris Sweeney, Carrollton, which was adopted.

Senator Stouffer offered Senate Resolution No. 2539, regarding Debbie Lueders, Carrollton, which was adopted.

Senator Stouffer offered Senate Resolution No. 2540, regarding Dorothy F. Brice, Tina, which was adopted.

Senator Stouffer offered Senate Resolution No. 2541, regarding Barbara Dearing, Carrollton, which was adopted.

Senator Stouffer offered Senate Resolution No. 2542, regarding Darla Snider, Carrollton, which was adopted.

Senator Stouffer offered Senate Resolution No. 2543, regarding Sharon Mathiott, which was adopted.

Senator Stouffer offered Senate Resolution No. 2544, regarding Jerri Carter, which was adopted.

Senator Stouffer offered Senate Resolution No. 2545, regarding Janet Crowley, which was adopted.

Senator Gibbons offered Senate Resolution No. 2546, regarding Hixson Middle School, St. Louis County, which was adopted.

Senator Stouffer offered Senate Resolution No. 2547, regarding Giny Lebold, which was adopted.

Senator Stouffer offered Senate Resolution No. 2548, regarding Eleanor Aversman, which was adopted.

Senator Stouffer offered Senate Resolution No. 2549, regarding Jean Edwards, which was adopted.

Senator Smith offered Senate Resolution No. 2550, regarding New City School's River Kids, which was adopted.

Senator Graham offered Senate Resolution No. 2551, regarding Patsy Weldon, which was adopted.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HBs 1595 and 1668**; **HCS** for **HB 1550**; and **HB 1923** to the Committee on Governmental Accountability and Fiscal Oversight.

Senator Nodler requested unanimous consent of the Senate to suspend the rules for the purpose of allowing the conferees on **SCS** for **HCS** for **HB 2002**; **SCS** for **HCS** for **HB 2003**; **SCS** for **HB 2004**; **SCS** for **HCS** for **HB 2005**; **SCS** for **HCS** for **HB 2006**; **SCS** for **HCS** for **HB 2007**; **SCS** for **HCS** for **HB 2008**;

SCS for HCS for HB 2009; SCS for HCS for HB 2010; SCS for HCS for HB 2011; SCS for HCS for HB 2012; and SCS for HCS for HB 2013 to meet while the Senate is in session, which request was granted.

REPORTS OF STANDING COMMITTEES

Senator Goodman, Chairman of the Committee on Governmental Accountability and Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which were referred **SS for SCS for HCS for HB 1779** and **HB 1678**, begs leave to report that it has considered the same and recommends that the bills do pass.

Also,

Mr. President: Your Committee on Governmental Accountability and Fiscal Oversight, to which was referred **HCS for HB 1904**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

HOUSE BILLS ON THIRD READING

Senator Griesheimer moved that **SS for SCS for HCS for HB 1779**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for SCS for HCS for HB 1779, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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

NAYS—Senator Bray—1

Absent—Senators—None

Absent with leave—Senators—None

Excused from voting—Senator Ridgeway—1

Vacancies—None

The President declared the bill passed.

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

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

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

HB 1678, introduced by Representative Day, et al, entitled:

An Act to amend chapter 160, RSMo, by adding thereto one new section relating to the interstate compact on educational opportunity for military children.

Was taken up by Senator Stouffer.

Senator Stouffer offered **SS** for **HB 1678**, entitled:

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 1678

An Act to repeal sections 41.1010, 42.007, 160.053, 160.518, 168.021, 170.011, and 620.515, RSMo, and to enact in lieu thereof nine new sections relating to members of the military and their families.

Senator Stouffer moved that **SS** for **HB 1678** be adopted.

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

SENATE AMENDMENT NO. 1

Amend Senate Substitute for House Bill No. 1678, Page 52, Section 170.011, Line 10, by inserting immediately after said line the following:

“170.132. All public elementary, secondary and postsecondary schools [shall preferentially procure] **have the right to transcribe, reproduce, modify, and distribute** educational materials, including textbooks and collateral materials, [from vendors who make the materials available in either Braille format or electronic format which is computer-readable in a form approved by the department of elementary and secondary education, or both, at no greater cost than for regular materials] **in specialized formats solely for use by students with disabilities who are entitled to such formats under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973, 20 U.S.C. 794.**”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted.

Senator Stouffer raised the point of order that **SA 1** 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.

Senator Coleman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Substitute for House Bill No. 1678, Page 56, Section 173.234, Line 18, by inserting immediately after all of said line the following “**173.900. 1. This act shall be known and may be cited as the "Missouri Returning Heroes' Education Act"**.”

2. For the purpose of this section, the term "combat veteran" shall mean a person who served in armed combat in the military after September 11, 2001, and to whom the following criteria shall apply:

- (1) The veteran was a Missouri resident when first entering the military; and**
- (2) The veteran was discharged from military service under honorable conditions.**

3. All public institutions of higher education that receive any state funds appropriated by the general assembly shall limit the amount of tuition such institutions charge to combat veterans to fifty dollars per credit hour, as long as the veteran achieves and maintains a cumulative grade point average of at least two and one-half on a four point scale, or its equivalent. The tuition limitation shall

only be applicable if the combat veteran is enrolled in a program leading to a certificate, or an associate or baccalaureate degree. The period during which a combat veteran is eligible for a tuition limitation under this section shall expire at the end of the ten-year period beginning on the date of such veteran's last discharge from service.

4. The coordinating board for higher education shall ensure that all applicable institutions of higher education in this state comply with the provisions of this section and may promulgate rules for the efficient implementation of this section.

5. If a combat veteran is eligible to receive financial assistance under any other federal or state student aid program, public or private, the full amount of such aid shall be reported to the board by the institution and the veteran. The tuition limitation under this section shall be provided after all other federal and state aid for which the veteran is eligible has been applied, and no combat veteran shall receive more than the actual cost of attendance when the limitation is combined with other aid made available to such veteran.

6. Each institution may report to the board the amount of tuition waived in the previous fiscal year under the provisions of this act. This information may be included in each institution's request for appropriations to the board for the following year. The board may include this information in its appropriations recommendations to the governor and the general assembly. The general assembly may reimburse institutions for the cost of the waiver for the previous year as part of the operating budget. Nothing in this subsection shall be construed to deny a combat veteran a tuition limitation if the general assembly does not appropriate money for reimbursement to an institution.

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

Senator Shields assumed the Chair.

Senator Graham offered SA 3:

SENATE AMENDMENT NO. 3

Amend Senate Substitute for House Bill No. 1678, Page 56, Section 173.234, Line 18, by inserting immediately after said line the following:

“173.256. 1. The department of higher education shall collect and distribute funds for the kids' chance scholarship pursuant to section 173.254, however, the department shall not distribute the corpus provided by section 173.258. **The department may distribute any accrued interest in the fund as scholarships after the second Monday in October of 2008.**

2. There is hereby created in the state treasury the “Kids' Chance Scholarship Fund”, which shall consist of all moneys deposited in the fund pursuant to section 173.258 and all moneys which may be

appropriated to it by the general assembly, from federal or other sources, including private donations. Upon termination of the fund, all moneys in the fund shall be transferred for the use of the division of workers' compensation for deposit in the fund created by virtue of section 287.690, RSMo.

3. The state treasurer shall administer the fund and credit all interest to the fund and the moneys in the fund shall be used solely upon appropriation by the department for the expenses of carrying out its duties pursuant to this section.

4. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not revert to the credit of the general revenue fund at the end of the biennium.

173.258. The director of the division of workers' compensation shall deposit fifty thousand dollars from the premium tax collected pursuant to section 287.690, RSMo, on the second Monday in October of each year beginning in 1999 until [2008] **2018** into the kids' chance scholarship fund.”; and

Further amend the title and enacting clause accordingly.

Senator Graham moved that the above amendment be adopted.

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

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

Senator Lager assumed the Chair.

Senator Koster offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Substitute for House Bill No. 1678, Page 56, Section 173.234, Line 18, by inserting immediately after said line the following:

“452.412. A party's absence, relocation, or failure to comply with custody and visitation orders shall not, by itself, be sufficient to justify a modification of a custody or visitation order if the reason for the absence, relocation, or failure to comply is the party's activation to military service and deployment out-of-state.”; and

Further amend the title and enacting clause accordingly.

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

Senator Wilson offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Substitute for House Bill No. 1678, Page 1, In the Title, Line 5, by striking the word “and” and inserting in lieu thereof a comma “,”; and further amend said line, by inserting immediately after “families” the following: “and education”; and

Further amend said bill, page 13, section 160.518, line 24 of said page, by inserting immediately after said line the following:

“160.775. 1. Every district shall adopt an antibullying policy by September 1, 2007.

2. “Bullying” means intimidation or harassment that causes a reasonable student to fear for his or her

physical safety or property. Bullying may consist of physical actions, including gestures, or oral, **cyberbullying, electronic**, or written communication, and any threat of retaliation for reporting of such acts.

3. Each district's antibullying policy shall be founded on the assumption that all students need a safe learning environment. Policies shall treat students equally and shall not contain specific lists of protected classes of students who are to receive special treatment. Policies may include age appropriate differences for schools based on the grade levels at the school. Each such policy shall contain a statement of the consequences of bullying.

4. Each district's antibullying policy shall require district employees to report any instance of bullying of which the employee has firsthand knowledge. The district policy shall address training of employees in the requirements of the district policy.”; and

Further amend the title and enacting clause accordingly.

Senator Wilson moved that the above amendment be adopted.

Senator Stouffer raised the point of order that **SA 5** is out of order as it goes beyond the scope and purpose of the bill.

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

At the request of Senator Stouffer, **HB 1678**, with **SS**, as amended (pending), was placed on the Informal Calendar.

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

RECESS

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

RESOLUTIONS

Senator Kennedy offered Senate Resolution No. 2552, regarding Melanie DiLeo, which was adopted.

Senator Kennedy offered Senate Resolution No. 2553, regarding Dr. Katie Wright, which was adopted.

Senator Kennedy offered Senate Resolution No. 2554, regarding Katherine Anderson, which was adopted.

Senator Kennedy offered Senate Resolution No. 2555, regarding Debra Hollingsworth, which was adopted.

Senator Kennedy offered Senate Resolution No. 2556, regarding Dr. Celerstine Johnson, which was adopted.

Senator Kennedy offered Senate Resolution No. 2557, regarding Amy Gill, which was adopted.

Senator Kennedy offered Senate Resolution No. 2558, regarding Ruth Smith, which was adopted.

Senator Kennedy offered Senate Resolution No. 2559, regarding Margaret Dyer, which was adopted.

Senator Kennedy offered Senate Resolution No. 2560, regarding Kathy Osborn, which was adopted.

Senator Kennedy offered Senate Resolution No. 2561, regarding Dr. Amanda Murphy, which was adopted.

Senator Kennedy offered Senate Resolution No. 2562, regarding April Ford-Griffin, which was adopted.

Senator Kennedy offered Senate Resolution No. 2563, regarding Bonita Cornute, which was adopted.

Senator Graham offered Senate Resolution No. 2564, regarding Bonnie Durk, which was adopted.

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 **SB 863**, entitled:

An Act to repeal sections 166.425 and 166.435, RSMo, and to enact in lieu thereof two new sections relating to the income tax deduction for contributions to the Missouri higher education savings program.

In which the concurrence of the Senate is respectfully requested.

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 **SB 1074**, entitled:

An Act to repeal section 429.015, RSMo, and to enact in lieu thereof one new section relating to liens for architects, professional engineers, land surveyors, and landscape architects.

With House Amendment Nos. 1 and 2.

HOUSE AMENDMENT NO. 1

Amend House Committee Substitute for Senate Bill No. 1074, Section 429.015, Page 2, Line 22, by inserting after the word, “engineering” the words, “, **landscape architecture**,”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

HOUSE AMENDMENT NO. 2

Amend House Committee Substitute for Senate Bill No. 1074, Page 1, Section A, Line 2 by inserting after said line the following:

“429.010. 1. Any person who shall do or perform any work or labor upon land, rent any machinery or equipment, or use any rental machinery or equipment, or furnish any material, fixtures, engine, boiler or machinery for any building, erection or improvements upon land, or for repairing, grading, excavating, or filling of the same, or furnish and plant trees, shrubs, bushes or other plants or provides any type of landscaping goods or services or who installs outdoor irrigation systems under or by virtue of any contract with the owner or proprietor thereof, or his or her agent, trustee, contractor or subcontractor, or without a contract if ordered by a city, town, village or county having a charter form of government to abate the conditions that caused a structure on that property to be deemed a dangerous building under local ordinances pursuant to section 67.410, RSMo, upon complying with the provisions of sections 429.010 to 429.340, shall have for his or her work or labor done, machinery or equipment rented or materials, fixtures, engine, boiler, machinery, trees, shrubs, bushes or other plants furnished, or any type of landscaping goods or services provided, a lien upon such building, erection or improvements, and upon the land belonging to such owner or proprietor on which the same are situated, to the extent of three acres; or if such building, erection or

improvements be upon any lot of land in any town, city or village, or if such building, erection or improvements be for manufacturing, industrial or commercial purposes and not within any city, town or village, then such lien shall be upon such building, erection or improvements, and the lot, tract or parcel of land upon which the same are situated, and not limited to the extent of three acres, to secure the payment of such work or labor done, machinery or equipment rented, or materials, fixtures, engine, boiler, machinery, trees, shrubs, bushes or other plants or any type of landscaping goods or services furnished, or outdoor irrigation systems installed **and reasonable attorney's fees and costs to perfect the lien in any case where the perfected lien is at least ninety percent of the original lien filed; in any case where the lien filed is determined to not be valid or is less than fifty percent of the original amount filed, the petitioner shall pay the defendants attorney's fees and costs**; except that if such building, erection or improvements be not within the limits of any city, town or village, then such lien shall be also upon the land to the extent necessary to provide a roadway for ingress to and egress from the lot, tract or parcel of land upon which such building, erection or improvements are situated, not to exceed forty feet in width, to the nearest public road or highway. Such lien shall be enforceable only against the property of the original purchaser of such plants unless the lien is filed against the property prior to the conveyance of such property to a third person. For claims involving the rental of machinery or equipment to others who use the rental machinery or equipment, the lien shall be for the reasonable rental value of the machinery or equipment during the period of actual use and any periods of nonuse taken into account in the rental contract, while the machinery or equipment is on the property in question.

2. There shall be no lien involving the rental of machinery or equipment unless:

(1) The improvements are made on commercial property;

(2) The amount of the claim exceeds five thousand dollars; and

(3) The party claiming the lien provides written notice within five business days of the commencement of the use of the rental machinery or equipment to the property owner that rental machinery or equipment is being used upon their property. Such notice shall identify the name of the entity that rented the machinery or equipment, the machinery or equipment being rented, and the rental rate.

Nothing contained in this subsection shall apply to persons who use rented machinery or equipment in performing the work or labor described in subsection 1 of this section.”; and

Further amend said bill, Page 2, Section 429.015, Line 20 by inserting after the word “performed” the following:

“and reasonable attorney's fees and costs to perfect the lien in any case where the perfected lien is at least ninety percent of the original lien filed; in any case where the lien filed is determined to not be valid or is less than fifty percent of the original amount filed, the petitioner shall pay the defendants attorney's fees and costs”; and

Further amend said bill, Page 2, Section 429.015, Line 31 by inserting after the word “aforesaid” the following:

“and reasonable attorney's fees and costs to perfect the lien in any case where the perfected lien is at least ninety percent of the original lien filed; in any case where the lien filed is determined to not be valid or is less than fifty percent of the original amount filed, the petitioner shall pay the defendants attorney's fees and costs”; and

Further amend said bill, Page 2, Section 429.015, Line 44 by inserting after the word “performed” the following:

“and reasonable attorney's fees and costs to perfect the lien in any case where the perfected lien is at least ninety percent of the original lien filed; in any case where the lien filed is determined to not be valid or is less than fifty percent of the original amount filed, the petitioner shall pay the defendants attorney's fees and costs”; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.

In which the concurrence of the Senate is respectfully requested.

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 **SB 1140**, entitled:

An Act to repeal sections 33.103 and 37.005, RSMo, and to enact in lieu thereof two new sections relating to the office of administration, with an emergency clause.

Emergency clause adopted.

In which the concurrence of the Senate is respectfully requested.

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 29, 2008

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

The following addendum should be made to the appointment of Timothy W. Bonno to the Seismic Safety Commission, submitted on April 28, 2008. Line 4 should be amended as follows:

“qualified; vice, Michael Marx, resigned.”

Respectfully submitted,
MATT BLUNT

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

PRIVILEGED MOTIONS

Senator Stouffer moved that **SCS** for **SB 939**, with **HCS**, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SCS** for **SB 939**, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 939

An Act to repeal sections 242.230, 242.430, 242.500, 245.020, 245.105, 245.175, 245.197, and 246.305, RSMo, and to enact in lieu thereof eight new sections relating to certain district taxes.

Was taken up.

Senator Stouffer moved that **HCS** for **SCS** for **SB 939** be adopted, which motion prevailed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Clemens	Coleman	Dempsey	Engler	Gibbons
Goodman	Graham	Green	Justus	Kennedy	Koster	Mayer	McKenna
Nodler	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—25

NAYS—Senators

Bartle	Crowell	Lager	Loudon	Purgason	Ridgeway—6
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Absent—Senators

Champion	Days—2
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Absent with leave—Senator Griesheimer—1

Vacancies—None

On motion of Senator Stouffer, **HCS** for **SCS** for **SB 939** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Coleman	Days	Dempsey
Engler	Gibbons	Goodman	Graham	Green	Justus	Kennedy	Koster
Mayer	McKenna	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer

Vogel
Wilson—26

NAYS—Senators

Bartle	Crowell	Lager	Loudon	Nodler	Purgason	Ridgeway—7
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Absent—Senators—None

Absent with leave—Senator Griesheimer—1

Vacancies—None

The President declared the bill passed.

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

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

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

Bill ordered enrolled.

Senator Stouffer moved that the Senate refuse to concur in **HCS** for **SB 841**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which

motion prevailed.

HOUSE BILLS ON THIRD READING

Senator Stouffer moved that **HB 1678**, with **SS**, as amended (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **HB 1678**, as amended, was again taken up.

Senator Stouffer moved that **SS** for **HB 1678**, as amended, be adopted, which motion prevailed.

On motion of Senator Stouffer, **SS** for **HB 1678**, as amended, 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	Justus
Kennedy	Koster	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Griesheimer—1

Vacancies—None

The President declared the bill passed.

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

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

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

HB 1711, with **SCS**, introduced by Representative Weter, et al, entitled:

An Act to repeal section 190.335, RSMo, and to enact in lieu thereof one new section relating to emergency service boards.

Was called from the Informal Calendar and taken up by Senator Clemens.

SCS for **HB 1711**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1711

An Act to repeal sections 190.335, 321.015, and 321.200, RSMo, and to enact in lieu thereof five new sections relating to public services provided by political subdivisions.

Was taken up.

Senator Clemens moved that **SCS** for **HB 1711** be adopted.

Senator Clemens offered **SS** for **SCS** for **HB 1711**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1711

An Act to repeal sections 44.090, 48.030, 72.080, 94.900, 94.902, 96.160, 190.094, 190.335, 231.444, 321.015, and 321.200, RSMo, and to enact in lieu thereof eighteen new sections relating to political subdivisions, with an emergency clause for a certain section.

Senator Clemens moved that **SS** for **SCS** for **HB 1711** be adopted.

Senator Kennedy offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for House Bill No. 1711, Page 17, Section 72.080, Line 18 of said page, by inserting immediately after said line the following:

“82.516. For such services as supervisor of parking meters, the city treasurer may receive the sum of [sixteen] **twenty-four** thousand dollars per year from the parking fund, as approved by the parking commission.”; and

Further amend said bill, page 42, section 231.444, line 8 of said page, by inserting immediately after said line the following:

“311.178. 1. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises in a county of the first classification having a charter form of government and not containing all or part of a city with a population of over three hundred thousand may apply to the supervisor of liquor control for a special permit to remain open on each day of the week until 3:00 a.m. of the morning of the following day. The time of opening on Sunday may be 11:00 a.m. The provisions of this section and not those of section 311.097 regarding the time of closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the premises on Sunday. The premises of such an applicant shall be located in an area which has been designated as a convention trade area by the governing body of the county and the applicant shall meet at least one of the following conditions:

(1) The business establishment's annual gross sales for the year immediately preceding the application for extended hours equals one hundred fifty thousand dollars or more; or

(2) The business is a resort. For purposes of this subsection, a “resort” is defined as any establishment having at least sixty rooms for the overnight accommodation of transient guests and having a restaurant located on the premises; **or**

(3) The business establishment provides entertainment facilities for the public and has a minimum total cost of development improvements of fifty million dollars.

2. Any person possessing the qualifications and meeting the requirements of this chapter who is licensed to sell intoxicating liquor by the drink at retail for consumption on the premises in a county of the third classification without a township form of government having a population of more than twenty-three thousand five hundred but less than twenty-three thousand six hundred inhabitants, a county of the third classification without a township form of government having a population of more than nineteen thousand

three hundred but less than nineteen thousand four hundred inhabitants or a county of the first classification without a charter form of government with a population of at least thirty-seven thousand inhabitants but not more than thirty-seven thousand one hundred inhabitants may apply to the supervisor of liquor control for a special permit to remain open on each day of the week until 3:00 a.m. of the morning of the following day. The time of opening on Sunday may be 11:00 a.m. The provisions of this section and not those of section 311.097 regarding the time of closing shall apply to the sale of intoxicating liquor by the drink at retail for consumption on the premises on Sunday. The applicant shall meet all of the following conditions:

(1) The business establishment's annual gross sales for the year immediately preceding the application for extended hours equals one hundred thousand dollars or more;

(2) The business is a resort. For purposes of this subsection, a "resort" is defined as any establishment having at least seventy-five rooms for the overnight accommodation of transient guests, having at least three thousand square feet of meeting space and having a restaurant located on the premises; and

(3) The applicant shall develop, and if granted a special permit shall implement, a plan ensuring that between the hours of 1:30 a.m. and 3:00 a.m. no sale of intoxicating liquor shall be made except to guests with overnight accommodations at the licensee's resort. The plan shall be subject to approval by the supervisor of liquor control and shall provide a practical method for the division of liquor control and other law enforcement agencies to enforce the provisions of subsection 3 of this section.

3. While open between the hours of 1:30 a.m. and 3:00 a.m. under a special permit issued pursuant to subsection 2 of this section, it shall be unlawful for a licensee or any employee of a licensee to sell intoxicating liquor to or permit the consumption of intoxicating liquor by any person except a guest with overnight accommodations at the licensee's resort.

4. An applicant granted a special permit pursuant to this section shall, in addition to all other fees required by this chapter, pay an additional fee of three hundred dollars a year payable at the time and in the same manner as its other license fees.

5. The provisions of this section allowing for extended hours of business shall not apply in any incorporated area wholly located in any county of the first classification having a charter form of government which does not contain all or part of a city with a population of over three hundred thousand inhabitants until the governing body of such incorporated area shall have by ordinance or order adopted the extended hours authorized by this section."; and

Further amend said bill, page 48, section 321.227, line 13 of said page, by inserting immediately after said line the following:

"473.745. 1. Any city not within a county shall provide suitable furnishings for the public administrator and through its supply commissioner shall purchase all necessary supplies for such public administrator. All such supplies shall be furnished upon requisition of the public administrator for such city not within a county, which shall be approved by the comptroller.

2. All the necessary expenses incurred by the public administrator of any city not within a county in the conduct of the duties of his or her office shall, upon his or her requisition, be approved by the comptroller and be paid out of the treasury of such city not within a county.

3. The public administrator for any city not within a county shall employ as many deputies and assistants as may be necessary to perform the duties of his or her office, and fix the compensation for

their services; however, such compensation shall not in any case exceed the annual rate of compensation fixed by the board of aldermen for such city not within a county. For additional duties imposed by this section, the public administrator may act as trustee or successor trustee when so appointed by the circuit court or the probate division of the circuit court.”; and

Further amend the title and enacting clause accordingly.

Senator Kennedy moved that the above amendment be adopted.

Senator Loudon requested a division of the question on **SA 1**; asking that a vote first be taken on the portion of the amendment dealing with Sections 82.156 and 473.745; and that a second vote be taken on the portion of the amendment dealing with Section 311.178, which request was granted.

Senator Kennedy moved that Part I of **SA 1** be adopted, which motion prevailed.

Senator Kennedy moved that Part II of **SA 1** be adopted.

Senator Loudon requested a roll call vote be taken on the adoption of Part II. He was joined in his request by Senators Bartle, Crowell, Shoemyer and Stouffer.

Part II of **SA 1** failed of adoption by the following vote:

YEAS—Senators

Bray	Callahan	Coleman	Days	Griesheimer	Justus	Kennedy	Koster
McKenna	Rupp	Smith	Wilson—12				

NAYS—Senators

Barnitz	Bartle	Champion	Clemens	Crowell	Dempsey	Engler	Gibbons
Goodman	Green	Lager	Loudon	Mayer	Nodler	Purgason	Ridgeway
Scott	Shields	Shoemyer	Stouffer	Vogel—21			

Absent—Senator Graham—1

Absent with leave—Senators—None

Vacancies—None

At the request of Senator Clemens, **HB 1711**, with **SCS** and **SS** for **SCS**, as amended (pending), was placed on the Informal Calendar.

THIRD READING OF SENATE BILLS

SCS for **SB 865**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 865

An Act to repeal section 143.141, RSMo, and to enact in lieu thereof two new sections relating to prohibiting discrimination in life insurance based upon lawful travel destinations, with penalty provisions.

Was taken up by Senator Rupp.

On motion of Senator Rupp, **SCS** for **SB 865** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	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—33

NAYS—Senator Bartle—1

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

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

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

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

REPORTS OF STANDING COMMITTEES

Senator Shields, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following report:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 1170**, begs leave to report that it has examined the same and finds that the bill has been truly perfected and that the printed copies furnished the Senators are correct.

INTRODUCTIONS OF GUESTS

Senator Clemens introduced to the Senate, Mr. and Mrs. James Greer and their children, Emily and Jackson, Columbia; and Emily and Jackson were made honorary pages.

Senator Shoemyer introduced to the Senate, members of Monroe County Cattlemen.

Senator Green introduced to the Senate, Tim and Kathy Schulte and their children, Bridget and Patrick; and Mary Jo and Gene Schulte, St. Louis; and Bridget and Patrick were made honorary pages.

Senator Barnitz introduced to the Senate, Coaches Todd Anderson, Beth Schebaum and Randy Saladin; managers Katelyn Witte, Ashley Brooks and Liz Abraham; and players Lauren Stiers, Shelby Ruediger, Lacey Lackman, Chelsea and Shelby Winkelmann, Karen Rohlfing, Kallie Leicht, Krista Lane, Macaulay Montague, Danielle Riley, Kasey Kirchhofer, Lillian Gildehaus and Megan Koeing members of Third Place Class 3 State Championship Herman High School Lady Bearcats basketball team.

On behalf of Senator Lager, the President introduced to the Senate, Brad Gardner, Maryville; and his parents, Barry and Leisa Gardner, Brookfield.

Senator Goodman introduced to the Senate, William Lynch, Vice President of the Missouri Southern

State University Student Senate, Joplin.

Senator Scott introduced to the Senate, Ken Graves and students from Whitier Alternative School, Sedalia.

Senator Shields introduced to the Senate, students representing University of Missouri Undergraduate Research Day.

Senator Ridgeway introduced to the Senate, fourth grade students from Oakwood Manor Elementary School, Clay County.

Senator Bray introduced to the Senate, Paula Hertel and fifteen fourth grade students from Reform Jewish Academy, St. Louis.

Senator Clemens introduced to the Senate, Jeff Faust and Jena Thompson.

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

SENATE CALENDAR

—————
SIXTY-FIRST DAY—THURSDAY, MAY 1, 2008
—————

FORMAL CALENDAR

THIRD READING OF SENATE BILLS

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

SCS for SB 1170-Mayer

HOUSE BILLS ON THIRD READING

HCS for HB 2393, with SCS (Shields)
(In Fiscal Oversight)

HB 1532-Davis, with SCS (Rupp)

HCS for HB 1393 (Ridgeway)

HCS for HBs 1595 & 1668 (Mayer)
(In Fiscal Oversight)

HCS for HB 1550 (Goodman)
(In Fiscal Oversight)

HB 1923-Jones (117) and Pratt (Barnitz)

(In Fiscal Oversight)

HCS for HB 1904, with SCS (Goodman)

INFORMAL CALENDAR

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 776-Justus and Koster, with SCS
 SB 809-Stouffer, with SCS, SS for SCS &
 SA 1 (pending)
 SB 811-Stouffer, with SCS, SA 1 & point
 of order (pending)
 SB 815-Goodman
 SB 821-Shoemyer, with SCS (pending)
 SBs 840 & 857-Engler, with SCS & SS for
 SCS (pending)
 SB 861-Shoemyer, with SCS
 SB 874-Graham, with SCS
 SB 877-Mayer
 SB 881-Green
 SB 904-Griesheimer, with SCS
 SBs 909, 954, 934 & 1003-Engler, with SCS
 SB 915-Ridgeway
 SB 917-Goodman, et al
 SB 929-Green and Callahan, with SCS
 SB 957-Goodman
 SBs 982, 834 & 819-Purgason, with SCS
 SB 990-Champion
 SBs 993 & 770-Crowell, with SCS, SS for
 SCS, SA 4 & SSA 1 for SA 4 (pending)
 SB 996-Crowell, with SCS
 SB 997-Crowell
 SB 1000-Justus
 SB 1007-Loudon, with SA 2 (pending)
 SBs 1021 & 870-Loudon, et al, with SCS,
 SS for SCS & SA 2 (pending)
 SB 1035-Scott, with SCS
 SB 1046-Mayer, with SA 1 & SSA 1 for SA 1
 (pending)
 SB 1052-Rupp
 SB 1054-Dempsey, with SCS
 SB 1057-Scott, with SCS
 SB 1058-Mayer
 SB 1067-Ridgeway, et al
 SB 1077-Goodman, with SS (pending)
 SB 1093-Loudon, et al
 SB 1094-Loudon, with SCS
 SB 1099-Graham, with SA 1 (pending)
 SB 1101-Bray, et al
 SB 1103-Gibbons
 SB 1138-McKenna, with SCS
 SB 1158-Mayer, with SCS
 SB 1164-Loudon
 SB 1180-Crowell
 SB 1183-Bray, with SCS
 SB 1194-Goodman
 SB 1197-Crowell
 SBs 1234 & 1270-Shields, with SCS & SS#2
 for SCS (pending)
 SB 1240-Dempsey
 SB 1244-Barnitz and Purgason
 SB 1275-Vogel
 SB 1278-Shields
 SJR 43-Loudon

HOUSE BILLS ON THIRD READING

HCS for HB 1341 (Nodler)
 HB 1384 & HB 2157-Cox, et al, with SCS
 (Gibbons)
 HB 1617-Cunningham (86), et al (Dempsey)
 HB 1656-Nance and Cooper (155), with SCS
 (Stouffer)
 HB 1661-LeVota, et al (Ridgeway)
 HB 1711-Weter, et al, with SCS & SS for SCS
 (pending) (Clemens)
 HCS for HB 1715, with SCS (Scott)
 HCS for HB 1763 (Engler)
 HCS for HBs 1876 & 1877, with SCS (Mayer)
 HB 1937-Pearce, et al, with SCS (Scott)
 HB 1973-Franz, with SCS (Engler)
 HB 1983-Pratt, with SCS (Goodman)
 HCS for HB 2068 (Scott)
 HCS for HB 2104, HB 1574, HB 1706, HCS
 for HB 1774, HB 2055 & HCS for HB 2056,
 with SCS (Crowell)
 HB 2226-Muschany (Rupp)
 HCS for HJR 55 (Crowell)

CONSENT CALENDAR

House Bills

Reported 4/10

HB 1628-Cooper (120) (Scott)	HB 2213-Kraus, et al (Shields)
HB 1670-Cooper (120) (Dempsey)	HB 1422-St. Onge, et al, with SCS (Stouffer)
HB 1828-Sutherland (Vogel)	HB 1354-Wilson (119), et al (Scott)
HCS for HB 1804, with SCS (Days)	HCS for HB 1575 (Vogel)
HB 2047-Curls, et al, with SCS (Callahan)	HB 1952-Loehner, et al (Barnitz)
HB 1410-Flook, et al (Ridgeway)	HB 1887-Parson (Scott)
HCS for HB 1888 (Clemens)	HCS for HB 2360 (Lager)
HB 1368-Thomson (Lager)	HB 1311-Hoskins, with SCS (Engler)
HCS for HB 1807, with SCS (Mayer)	HB 1426-Kraus (Green)
HB 1869-Wilson (130), et al (Goodman)	
HCS for HB 2048, with SCS (Engler)	

Reported 4/14

HB 1608-Ervin (Ridgeway)	HB 1419-Portwood (Loudon)
HB 2065-Wasson, with SCS (Scott)	HB 1791-Cooper (155), et al (Barnitz)
HB 1450-Roord, et al, with SCS (McKenna)	HB 1689-Wilson (130), with SCS (Scott)
HB 2233-Page, et al (Shields)	HCS for HB 1690, with SCS (Scott)

Reported 4/15

HCS for HB 1380 (Goodman)	HB 1710-Flook (Ridgeway)
HCS for HB 2036 (Stouffer)	HCS for HB 1783 (Engler)
HB 1946-Franz, with SCS (Champion)	HB 1784-Meadows, et al (McKenna)
HB 1849-Pratt and Curls (Justus)	HB 1313-Wright, et al (Mayer)
HB 1640-Schoeller, et al, with SCS (Goodman)	HCS for HB 1893 (Dempsey)
HB 1570-Franz, with SCS (Champion)	HB 1881-Schlottach (Kennedy)
HB 1469-Pratt (Goodman)	

SENATE BILLS WITH HOUSE AMENDMENTS

SB 863-Rupp, with HCS	SB 1140-Vogel, with HCS
SB 1074-Dempsey, with HCS, as amended	

**BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES**

In Conference

SS for SCS for SB 931-Purgason, with
HCS, as amended
HCS for HB 2002, with SCS (Nodler)
HCS for HB 2003, with SCS (Nodler)
HB 2004, with SCS (Nodler)
HCS for HB 2005, with SCS (Nodler)
HCS for HB 2006, with SCS (Nodler)

HCS for HB 2007, with SCS (Nodler)
HCS for HB 2008, with SCS (Nodler)
HCS for HB 2009, with SCS (Nodler)
HCS for HB 2010, with SCS (Nodler)
HCS for HB 2011, with SCS (Nodler)
HCS for HB 2012, with SCS (Nodler)
HCS for HB 2013, with SCS (Nodler)

Requests to Recede or Grant Conference

SB 841-Stouffer, with HCS, as amended
(Senate requests House
recede or grant conference)

SB 958-Goodman, with HCS
(Senate requests House
recede or grant conference)

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