

Journal of the Senate

SECOND REGULAR SESSION

SIXTY-FIFTH DAY—THURSDAY, MAY 8, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“We are to fear, love and trust God above all things.” (Martin Luther)

Gracious God, help us to love You and worship You with faithfulness that overflows in our ability to love our families and friends and our neighbors. Help us to follow Your law perfectly and demonstrate our obedience in our words and behavior and all we do this day and weekend ahead. Please “watch our going out and coming in” and give You thanks for making Your love the real issue for our lives. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal of the previous day was read and approved.

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

Present—Senators

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

Wilson—33

Absent—Senators—None

Absent with leave—Senator Purgason—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Stouffer offered Senate Resolution No. 2664, regarding Paul A. Young, which was adopted.

Senator Stouffer offered Senate Resolution No. 2665, regarding Janice Blankenship, Hardin, which was adopted.

Senator Nodler offered Senate Resolution No. 2666, regarding Ian Liss, Neosho, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 2667

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED that the Missouri Senate hereby grant the participants of the Silver Haired Legislature permission to use the Senate Chamber for the purpose of their regular session from 8:00 a.m. to 4:30 p.m. on September 30, 2008 and from 8:00 a.m. to 12 noon on October 1, 2008.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 2667** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 2667** was adopted.

Senator Champion offered Senate Resolution No. 2668, regarding Janelle Melton, Marshfield, which was adopted.

Senator Champion offered Senate Resolution No. 2669, regarding Jack Hunter, Springfield, which was adopted.

Senator Champion offered Senate Resolution No. 2670, regarding Clint Copeland, Springfield, which was adopted.

Senator Vogel offered Senate Resolution No. 2671, regarding Patrick Ryan Mahoney, Jefferson City, which was adopted.

Senator Coleman offered Senate Resolution No. 2672, regarding the One Hundred Twenty-fifth Anniversary of Walter Knoll Florist, Saint Louis, which was adopted.

Senator Clemens offered Senate Resolution No. 2673, regarding Jeffrey Faust, Saint Louis, which was adopted.

Senator Vogel offered Senate Resolution No. 2674, regarding Abiy Hailu, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 2675, regarding Alisha Mehrhoff, Jefferson City, which was adopted.

Senator Vogel offered Senate Resolution No. 2676, regarding Ashley Gilpin, Auxvasse, which was

adopted.

Senator Crowell offered Senate Resolution No. 2677, regarding Charlotte Schaffner, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2678, regarding Jennifer Huo, Cape Girardeau, which was adopted.

Senator Crowell offered Senate Resolution No. 2679, regarding Alana M. Hargrove, Vanduser, which was adopted.

Senator Crowell offered Senate Resolution No. 2680, regarding Lara Lee Wells, Morley, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following reports, reading of which was waived:

Mr. President: Your Committee on Gubernatorial Appointments, to which were referred the following appointments and reappointments, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to the following:

Zelema Harris, Clara L. Urhahn, Rhonda K. Stafford, Nancy Montgomery, Patrick H. Kellett, Brenda J. Wrench and David H. Duncan, as members of the Missouri Workforce Investment Board;

Also,

Wayne D. Duncan, Republican, as a member of the Missouri Horse Racing Commission;

Also,

Jeffrey B. Davison, Republican, and James R. Tweedy, Democrat, as members of the Missouri Ethics Commission;

Also,

Erick V. Kern, Republican, as a member of the Linn State Technical College Board of Regents;

Also,

Jason M. Morgan, Democrat, as a member of the Environmental Improvement and Energy Resources Authority;

Also,

Gary L. Panethiere, Democrat, as a member of the Northwest Missouri State University Board of Regents;

Also,

Thomas E. Pinegar, Roger L. Mitchell and Edward S. Stevens, as members of the Life Sciences Research Board;

Also,

Carol A. Gosselink, Democrat, as a member of the State Board of Senior Services;

Also,

Wayne L. Kindle, as a member of the Board of Cosmetology and Barber Examiners;

Also,

Mary E. Potter and Linda L. Duffy, Republicans, as members of the Missouri Community Service Commission;

Also,

Brian C. Jamison, Republican, as a member of the Board of Probation and Parole;

Also,

Helen R. Washburn, Democrat, and Mary Beth Luna Wolf, Republican, as members of the Coordinating Board for Higher Education;

Also,

Marie L. Payne and Robert M. Derickson, Republicans, as members of the Missouri Emergency Response Commission;

Also,

Robert W. Dodson, as a member of the State Advisory Council on Emergency Medical Services;

Also,

Kevin Skibiski, Robert N. Hartnett and Randall B. Miltenberger, as members of the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects;

Also,

Janet M. Bandera and Valerie J. White, Republicans, Michelle T. Esswein, Independent, and Sarah R. Murray, Democrat, as members of the Missouri Women's Council;

Also,

Bradley D. Freeman, Democrat, as a member of the State Board of Registration for the Healing Arts;

Also,

Kenneth G. McGhee, as a member of the Board of Private Investigator Examiners;

Also,

James G. Avery, Jr., as Chairman of the State Board of Mediation;

Also,

Richard D. James, D.C. and Kathleen A. Coleton, as members of the Missouri Acupuncturist Advisory Committee;

Also,

Robert F. Lawrence and Fred R. Schoen, as members of the Well Installation Board;

Also,

James T. Frakes and Elizabeth B. Aull, Republicans, as members of the Hazardous Waste Management

Commission;

Also,

Gregory M. Brown, Republican, as a member of the Missouri Fire Education Commission;

Also,

Gregory S. Gaffke, Democrat, as a member of the Lincoln University Board of Curators;

Also,

Garry E. Taylor, as a member of the Consolidated Health Care Plan Board of Trustees;

Also,

Brian S. Conley, as a member of the Missouri Genetic Disease Advisory Committee;

Also,

Lois B. Kramer-Owens, Republican, as a member of the State Committee of Dietitians;

Also,

Nick L. Matherly and Gregory D. Haddock, Republicans, as members of the Land Reclamation Commission;

Also,

Lori A. Ladd, as a member of the Missouri State Advisory Council on Pain and Symptom Management;

Also,

Darryl T. Jones, Democrat, and Noel J. Shull, Republican, as members of the Missouri Gaming Commission;

Also,

Samuel M. Hunter and Ben A. “Todd” Parnell, Democrats, as members of the Clean Water Commission;

Also,

Peter Wayne Goode, as a member of the Second State Capitol Commission;

Also,

Becky J. Jungmann, as a member of the Advisory Committee for 911 Service Oversight;

Also,

Michael K. Whitehead, Republican, as a member of the Jackson County Board of Election Commissioners;

Also,

Susan M. Abdel-Rahman, as a member of the Drug Utilization Review Board;

Also,

John K. Nisbet, Independent, as a member of the Amusement Ride Safety Board.

Senator Gibbons requested unanimous consent of the Senate to vote on the above reports in one motion. There being no objection, the request was granted.

Senator Gibbons moved that the committee reports be adopted, and the Senate do give its advice and consent to the above appointments and reappointments, which motion prevailed.

Senator Dempsey assumed the Chair.

PRIVILEGED MOTIONS

Senator Goodman moved that the conference committee on **HCS** for **SB 958** be dissolved and **HCS** for **SB 958** be taken up for 3rd reading and final passage, which motion prevailed.

HCS for **SB 958**, entitled:

**HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 958**

An Act to repeal section 537.340, RSMo, and to enact in lieu thereof one new section relating to tree trimming.

Was taken up.

Senator Goodman moved that **HCS** for **SB 958** be adopted, which motion prevailed by the following vote:

YEAS—Senators

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

NAYS—Senators—None

Absent—Senator Barnitz—1

Absent with leave—Senator Purgason—1

Vacancies—None

On motion of Senator Goodman, **HCS** for **SB 958** 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 |
| Ridgeway | Rupp | Scott | Shields | Shoemyer | Smith | Stouffer | Vogel |
| Wilson—33 | | | | | | | |

NAYS—Senators—None

Absent—Senators—None

Absent with leave—Senator Purgason—1

Vacancies—None

The President declared the bill passed.

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

Senator Goodman 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.

REFERRALS

President Pro Tem Gibbons referred **HCS** for **HBs 1831** and **1472**; **HCS** for **HB 1700**, with **SCS**; and **HCS** for **HBs 1788** and **1882** to the Committee on Governmental Accountability and Fiscal Oversight.

PRIVILEGED MOTIONS

Senator Griesheimer moved that the Senate refuse to recede from its position on **SS** for **SCS** for **HB 2224**, as amended, and grant the House a conference thereon, which motion prevailed.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SS** for **SCS** for **HB 2224**: Senators Griesheimer, Mayer, Crowell, Shoemyer and McKenna.

HOUSE BILLS ON THIRD READING

HCS for **HB 1550** was placed on the Informal Calendar.

HB 1923 was placed on the Informal Calendar.

HCS for **HB 1516**, with **SCS**, was placed on the Informal Calendar.

HCS for **HB 2279**, with **SCS**, entitled:

An Act to repeal sections 393.275, 407.300, 537.340, 660.115 and 660.135, RSMo, and to enact in lieu thereof thirteen new sections relating to utilities, with penalty provisions.

Was taken up by Senator Engler.

SCS for **HCS** for **HB 2279**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2279

An Act to repeal sections 393.275, 407.300, and 537.340, RSMo, and to enact in lieu thereof ten new sections relating to utilities, with penalty provisions.

Was taken up.

Senator Engler moved that **SCS** for **HCS** for **HB 2279** be adopted.

At the request of Senator Engler, **HCS** for **HB 2279**, with **SCS** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SCS** for **HCS** for **HB 2023** and has taken up and passed **CCS** for **SCS** for **HCS** for **HB 2023**.

CONFERENCE COMMITTEE REPORTS

Senator Nodler, on behalf of the conference committee appointed to act with a like committee from the House on **SCS** for **HCS** for **HB 2023** moved that the following conference committee report be taken up, which motion prevailed.

CONFERENCE COMMITTEE REPORT ON SENATE COMMITTEE SUBSTITUTE FOR HOUSE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2023

The Conference Committee appointed on Senate Committee Substitute for House Committee Substitute for House Bill No. 2023, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Committee Substitute for House Bill No. 2023.
2. That the House recede from its position on House Committee Substitute for House Bill No. 2023.
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Committee Substitute for House Bill No. 2023, be truly agreed to and finally passed.

FOR THE SENATE:

/s/ Gary Nodler

/s/ Robert N. Mayer

/s/ Scott T. Rupp

/s/ Joan Bray

/s/ Timothy P. Green

FOR THE HOUSE:

/s/ Allen Icet

/s/ Ed Robb

/s/ Steven Tilley

/s/ Curt Dougherty

/s/ Rachel Storch

Senator Nodler moved that the above conference committee report be adopted, which motion prevailed 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 | Loudon | Mayer | McKenna | Nodler | Ridgeway |
| Rupp | Scott | Shields | Shoemyer | Smith | Stouffer | Vogel | Wilson—32 |

NAYS—Senator Lager—1

Absent—Senators—None

Absent with leave—Senator Purgason—1

Vacancies—None

On motion of Senator Nodler, **CCS** for **SCS** for **HCS** for **HB 2023**, entitled:

CONFERENCE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2023

An Act to appropriate money for planning, expenses, and for capital improvements including, but not limited to, major additions and renovations, new structures, and land improvements or acquisitions, and to transfer money among certain funds.

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 | Loudon | Mayer | McKenna | Nodler | Ridgeway |
| Rupp | Scott | Shields | Shoemyer | Smith | Stouffer | Vogel | Wilson—32 |

NAYS—Senator Lager—1

Absent—Senators—None

Absent with leave—Senator Purgason—1

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.

HOUSE BILLS ON THIRD READING

Senator Engler moved that **HCS** for **HB 2279**, with **SCS** (pending), be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 2279** was again taken up.

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

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page 3, Section 393.171, Line 17, by inserting at the end of said line the following: **“Expenses incurred by an electrical corporation in association with the payment of any such damages shall not be recoverable, in any form at any time, from the ratepayers of any such electrical corporation.”**.

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

Senator Rupp assumed the Chair.

Senator Dempsey assumed the Chair.

Photographers from KRCG-TV and KMIZ-TV were given permission to take pictures in the Senate Chamber today.

Senator Coleman offered **SA 2**:

SENATE AMENDMENT NO. 2

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page 2, Section 386.572, Line 48, by inserting after all of said line the following:

“393.108. For purposes of this section, the hot weather rule shall mean the period of time from June first to September thirtieth, in which the discontinuance of gas and electric service to all residential users, including all residential tenants of apartment buildings, for nonpayment of bills where gas or electricity is used as the source of cooling or to operate the only cooling equipment at the residence, is prohibited in the following situations:

(1) On any day when the National Weather Service local forecast between 6:00 a.m. and 9:00 p.m. for the following twenty-four hours predicts that the temperature shall rise above ninety-five degrees Fahrenheit or that the heat index shall rise above one hundred five degrees Fahrenheit;

(2) On any day when utility personnel are not available to reconnect utility service during the immediately succeeding day or days and the National Weather Service local forecast between 6:00 a.m. and 9:00 p.m. predicts that the temperature during the period of unavailability shall rise above ninety-five degrees Fahrenheit or that the heat index shall rise above one hundred five degrees Fahrenheit; and

(3) In any other applicable situations provided for in rules established and amended by the public service commission.”; and

Further amend the title and enacting clause accordingly.

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

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

SENATE AMENDMENT NO. 3

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page 9, Section 570.056, Line 4, by inserting after all of said line the following:

“Section 1. For any electric plant unlawfully constructed after August 28, 2008, in any suit or claim brought by any landowner or other legal entity for monetary damages allegedly caused by the

operation or existence of such electric plant, the measure of damages shall be treble the fair market value of the plaintiff's real estate as determined by a judge or jury, plus court costs and reasonable attorney fees.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bray offered **SA 4**:

SENATE AMENDMENT NO. 4

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page 3, Section 393.171, Line 19, by inserting after all of said line the following:

“393.173. 1. Any electric plant that receives permission or approval from the commission under section 393.171, prior to August 28, 2009, shall pay to the state, as consideration for such permission or approval, an amount of at least twenty-five percent of the cost reported to the commission for the construction of the electric plant and acquisition of related equipment. Any such electric plant that receives such permission or approval after August 28, 2009, shall pay to the state, as consideration for such permission or approval, an amount of at least forty percent of the cost reported to the commission for the construction of the electric plant and acquisition of related equipment.

2. The proceeds from any payments made under subsection 1 of this section shall be deposited into the “Electric Plant Post-Approval Fund” which is hereby created. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, moneys in the fund shall be used solely as specified under subsection 3 of this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys collected under subsection 1 of this section or transferred under subsection 3 of this section shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. The moneys deposited into the fund shall be distributed to the department of natural resources for use as follows:

(1) Forty percent shall be transferred to the energy set-aside program fund under section 640.665, RSMo;

(2) Sixty percent shall be transferred to the Missouri renewable energy loan authority fund under section 393.1121.

4. Up to forty percent of the moneys transferred to each program under subsection 3 of this section shall be first made available through each program to persons who reside in the vicinity of any electric plant subject to the provisions of this section. Any funds that remain after the forty percent has been made available shall be offered on a statewide basis.”; and

Further amend said bill, Page 4, Section 393.275, Line 50, by inserting after all of said line the following:

“393.1121. 1. There is hereby established as a governmental instrumentality of the state of Missouri the “Missouri Renewable Energy Loan Authority”, which shall constitute a body corporate

and politic.

2. The authority shall ensure all applicants including owners of residential, commercial, industrial and agricultural property, political subdivisions, cooperatives, and utilities receive a low-interest loan for the purpose of financing renewable energy producing products or facilities or qualifying energy efficient and energy conserving appliances and products in this state. The authority shall develop a method for such applicants to apply to the authority for loans and approve disbursements of the loans. Loan applications shall be considered on a need-basis as well as according to efficiency and size of the project with priority given to recipients in the following order:

- (1) Owners of residential, commercial, and agricultural property;
- (2) Political subdivisions, including school districts; and
- (3) Utilities and cooperatives.

3. As used in this section, the following terms mean:

(1) “Applicant”, any local government, municipality, cooperative, utility, and owner of residential, commercial, and agricultural property, which submits an application for loans on financial assistance to the authority;

(2) “Authority”, the Missouri renewable energy loan authority;

(3) “Department”, the Missouri department of natural resources;

(4) “Energy efficiency project”, any project that reduces the energy use of an entity and results in a reduced cost over the life cycle of the project;

(5) “Renewable energy”, sources, including but not limited to, energy from wind, solar, thermal, photovoltaic cells and panels, animal waste and by products, dedicated crops grown for energy production, plant-based residues, fuel cells using hydrogen produced by a renewable energy source, and other renewable sources of energy as defined by rule by the department.

4. The authority shall consist of nine members appointed by the governor by and with the advice and consent of the senate. Not more than five members shall be of the same political party. One member shall be from each congressional district in Missouri if Missouri shall gain or lose a congressional district based on the 2010 census, then members may be chosen from any district with geographic diversity considered as an important factor in member selection. All members shall be residents of this state. In making appointments to the authority, the governor shall take into consideration nominees recommended to him for appointment by the department. The members of the authority first appointed by the governor shall be appointed to serve for terms of one, two, and three years, the term of each member to be designated by the governor. The successor of each member shall be appointed for a term of three years or until their successors have been appointed, but any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term. Any member shall be eligible for reappointment. The authority shall elect one of its members as chairman and another as vice chairman and shall appoint a secretary and a treasurer, which offices may be combined, and who need not be members of the authority. Five members of the authority shall constitute a quorum for the purpose of conducting business and exercising the powers of the authority. Action may be taken by the authority upon the affirmative vote of at least five of its members. Each member of the authority shall not be entitled to compensation except for their

reasonable and necessary expenses actually incurred in discharging their duties under the provisions of this section. Any member of the authority may be removed by the governor for misfeasance, malfeasance, willful neglect of duty, or other cause after notice and a public hearing unless the notice or hearing shall be expressly waived in writing.

5. There is hereby established in the state treasury a fund to be known as the “Missouri Renewable Energy Loan Authority Fund”, which shall consist of moneys appropriated annually by the general assembly and deposits from the electric plant post-approval fund under section 393.173. In addition the fund may include any gifts, contributions, grants, or bequests received from federal, state, private, or other sources. The fund shall be administered by the authority. Upon appropriation, money in the fund shall be used solely to provide low-interest loans for renewable energy projects and energy efficiency and related expenses. If any amount is used for purposes otherwise provided in this section, two hundred percent of the loan amount shall be repaid and deposited into the fund created under this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. Interest and moneys earned on the fund shall be credited to the fund.

6. The authority shall have the following powers, together with all powers incidental thereto or necessary for the performance thereof:

- (1) To have perpetual succession as a body politic and corporate;
- (2) To adopt bylaws for the regulation of its affairs and the conduct of its business;
- (3) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;
- (4) To have and to use a corporate seal and to alter the same at pleasure;
- (5) To maintain an office at such place or places in the state of Missouri as it may designate;
- (6) To accept appropriations, gifts, grants, bequests, and devises and to utilize or dispose of the same to carry out its purpose;
- (7) To make and execute contracts, releases, compromises, and other instruments necessary or convenient for the exercise of its powers, or to carry out its purpose;
- (8) To collect reasonable fees and charges in connection with making and servicing its loans, notes, bonds, obligations, commitments, and other evidences of indebtedness, and in connection with providing technical, consultative and project assistant services. Such fees and charges shall be used to pay the costs of the authority;
- (9) To invest any funds not required for immediate disbursement in obligations of the state of Missouri or of the United States government or any instrumentality thereof, the principal and interest of which are guaranteed by the state of Missouri, or the United States government or any instrumentality thereof, or certificates of deposit or time deposits of federally insured banks, or federally insured savings and loan associations or of insured credit unions, or, with respect to moneys pledged or held under a trust estate or otherwise available for the owners of bonds or other forms of indebtedness, any investment authorized under the bond resolution governing the security and payment of such obligations or repurchase agreements for the specified investments;
- (10) To acquire, hold and dispose of personal property for its purposes;

(11) To enter into agreements or other transactions with any federal or state agency, any person and any domestic or foreign partnership, corporation, association or organization.

7. The authority may from time to time issue renewal notes. Renewal notes may be sold at public or private sale and the proceeds applied to the purchase, redemption, or payment of the notes to be refunded.

8. (1) The authority may set interest rates between one percent and two points below the prime interest rates.

(2) The ratio of loan to project cost and the amortization period of loans made by the authority shall be determined in accordance with regulations promulgated by the authority.

9. The renewable energy loan authority is assigned to the department. The authority shall annually file with the director of the department a report of its previous year's income, expenditures and bonds or other forms of indebtedness issued and outstanding.

10. The authority shall adopt a code of conduct which shall govern the conduct of its members and its employees. The code of conduct shall, in addition to other ethical matters, address conflict of interest issues. The authority shall also establish conflict of interest rules which require public disclosure of financial arrangements between the members and applicants for loans under this section. The authority shall promulgate rules and regulations necessary to implement 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.

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

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

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page 3, Section 393.171, Line 19, by inserting after all of said line the following:

“393.173. 1. Any electric plant that receives permission or approval from the commission under section 393.171, prior to August 28, 2009, shall pay to the state, as consideration for such permission or approval, an amount of at least fifteen percent of the cost reported to the commission for the construction of the electric plant and acquisition of related equipment. Any such electric plant that receives such permission or approval after August 28, 2009, shall pay to the state, as consideration for such permission or approval, an amount of at least forty percent of the cost reported to the commission for the construction of the electric plant and acquisition of related equipment.

2. The proceeds from any payments made under subsection 1 of this section shall be deposited into the “Electric Plant Post-Approval Fund” which is hereby created. The state treasurer shall be

custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, moneys in the fund shall be used solely as specified under subsection 3 of this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys collected under subsection 1 of this section or transferred under subsection 3 of this section shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

3. The moneys deposited into the fund shall be distributed to the department of natural resources for use as follows:

(1) Forty percent shall be transferred to the energy set-aside program fund under section 640.665, RSMo;

(2) Sixty percent shall be transferred to the Missouri renewable energy loan authority fund under section 393.1121.

4. Up to forty percent of the moneys transferred to each program under subsection 3 of this section shall be first made available through each program to persons who reside in the vicinity of any electric plant subject to the provisions of this section. Any funds that remain after the forty percent has been made available shall be offered on a statewide basis.”; and

Further amend said bill, Page 4, Section 393.275, Line 50, by inserting after all of said line the following:

“393.1121. 1. There is hereby established as a governmental instrumentality of the state of Missouri the “Missouri Renewable Energy Loan Authority”, which shall constitute a body corporate and politic.

2. The authority shall ensure all applicants including owners of residential, commercial, industrial and agricultural property, political subdivisions, cooperatives, and utilities receive a low-interest loan for the purpose of financing renewable energy producing products or facilities or qualifying energy efficient and energy conserving appliances and products in this state. The authority shall develop a method for such applicants to apply to the authority for loans and approve disbursements of the loans. Loan applications shall be considered on a need-basis as well as according to efficiency and size of the project with priority given to recipients in the following order:

(1) Owners of residential, commercial, and agricultural property;

(2) Political subdivisions, including school districts; and

(3) Utilities and cooperatives.

3. As used in this section, the following terms mean:

(1) “Applicant”, any local government, municipality, cooperative, utility, and owner of residential, commercial, and agricultural property, which submits an application for loans on financial assistance to the authority;

(2) “Authority”, the Missouri renewable energy loan authority;

(3) “Department”, the Missouri department of natural resources;

(4) “Energy efficiency project”, any project that reduces the energy use of an entity and results in a reduced cost over the life cycle of the project;

(5) “Renewable energy”, sources, including but not limited to, energy from wind, solar, thermal, photovoltaic cells and panels, animal waste and by products, dedicated crops grown for energy production, plant-based residues, fuel cells using hydrogen produced by a renewable energy source, and other renewable sources of energy as defined by rule by the department.

4. The authority shall consist of nine members appointed by the governor by and with the advice and consent of the senate. Not more than five members shall be of the same political party. One member shall be from each congressional district in Missouri if Missouri shall gain or lose a congressional district based on the 2010 census, then members may be chosen from any district with geographic diversity considered as an important factor in member selection. All members shall be residents of this state. In making appointments to the authority, the governor shall take into consideration nominees recommended to him for appointment by the department. The members of the authority first appointed by the governor shall be appointed to serve for terms of one, two, and three years, the term of each member to be designated by the governor. The successor of each member shall be appointed for a term of three years or until their successors have been appointed, but any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term. Any member shall be eligible for reappointment. The authority shall elect one of its members as chairman and another as vice chairman and shall appoint a secretary and a treasurer, which offices may be combined, and who need not be members of the authority. Five members of the authority shall constitute a quorum for the purpose of conducting business and exercising the powers of the authority. Action may be taken by the authority upon the affirmative vote of at least five of its members. Each member of the authority shall not be entitled to compensation except for their reasonable and necessary expenses actually incurred in discharging their duties under the provisions of this section. Any member of the authority may be removed by the governor for misfeasance, malfeasance, willful neglect of duty, or other cause after notice and a public hearing unless the notice or hearing shall be expressly waived in writing.

5. There is hereby established in the state treasury a fund to be known as the “Missouri Renewable Energy Loan Authority Fund”, which shall consist of moneys appropriated annually by the general assembly and deposits from the electric plant post-approval fund under section 393.173. In addition the fund may include any gifts, contributions, grants, or bequests received from federal, state, private, or other sources. The fund shall be administered by the authority. Upon appropriation, money in the fund shall be used solely to provide low-interest loans for renewable energy projects and energy efficiency and related expenses. If any amount is used for purposes otherwise provided in this section, two hundred percent of the loan amount shall be repaid and deposited into the fund created under this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not be transferred to the credit of the general revenue fund at the end of the biennium. Interest and moneys earned on the fund shall be credited to the fund.

6. The authority shall have the following powers, together with all powers incidental thereto or necessary for the performance thereof:

- (1) To have perpetual succession as a body politic and corporate;**
- (2) To adopt bylaws for the regulation of its affairs and the conduct of its business;**

(3) To sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties;

(4) To have and to use a corporate seal and to alter the same at pleasure;

(5) To maintain an office at such place or places in the state of Missouri as it may designate;

(6) To accept appropriations, gifts, grants, bequests, and devises and to utilize or dispose of the same to carry out its purpose;

(7) To make and execute contracts, releases, compromises, and other instruments necessary or convenient for the exercise of its powers, or to carry out its purpose;

(8) To collect reasonable fees and charges in connection with making and servicing its loans, notes, bonds, obligations, commitments, and other evidences of indebtedness, and in connection with providing technical, consultative and project assistant services. Such fees and charges shall be used to pay the costs of the authority;

(9) To invest any funds not required for immediate disbursement in obligations of the state of Missouri or of the United States government or any instrumentality thereof, the principal and interest of which are guaranteed by the state of Missouri, or the United States government or any instrumentality thereof, or certificates of deposit or time deposits of federally insured banks, or federally insured savings and loan associations or of insured credit unions, or, with respect to moneys pledged or held under a trust estate or otherwise available for the owners of bonds or other forms of indebtedness, any investment authorized under the bond resolution governing the security and payment of such obligations or repurchase agreements for the specified investments;

(10) To acquire, hold and dispose of personal property for its purposes;

(11) To enter into agreements or other transactions with any federal or state agency, any person and any domestic or foreign partnership, corporation, association or organization.

7. The authority may from time to time issue renewal notes. Renewal notes may be sold at public or private sale and the proceeds applied to the purchase, redemption, or payment of the notes to be refunded.

8. (1) The authority may set interest rates between one percent and two points below the prime interest rates.

(2) The ratio of loan to project cost and the amortization period of loans made by the authority shall be determined in accordance with regulations promulgated by the authority.

9. The renewable energy loan authority is assigned to the department. The authority shall annually file with the director of the department a report of its previous year's income, expenditures and bonds or other forms of indebtedness issued and outstanding.

10. The authority shall adopt a code of conduct which shall govern the conduct of its members and its employees. The code of conduct shall, in addition to other ethical matters, address conflict of interest issues. The authority shall also establish conflict of interest rules which require public disclosure of financial arrangements between the members and applicants for loans under this section. The authority shall promulgate rules and regulations necessary to implement 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 Callahan moved that the above substitute amendment be adopted.

Senator Bray offered **SA 1** to **SSA 1** for **SA 4**, which was read:

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

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 4 to Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page 1, Section 393.173, Line 6, by striking the word “fifteen” and inserting in lieu thereof the following: “**twenty**”.

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

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

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

SA 4 was again taken up.

Senator Bray moved that the above amendment be adopted and requested a roll call vote be taken. She was joined in her request by Senators Callahan, Crowell, Graham and Engler.

SA 4 failed of adoption by the following vote:

YEAS—Senators

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|------|----------|--------|--------|---------|-------|----------|
| Bray | Callahan | Graham | Justus | Kennedy | Smith | Wilson—7 |
|------|----------|--------|--------|---------|-------|----------|

NAYS—Senators

| | | | | | | | |
|----------|-------------|---------|---------|----------|----------|----------|---------|
| Barnitz | Champion | Clemens | Crowell | Dempsey | Engler | Gibbons | Goodman |
| Green | Griesheimer | Koster | Lager | Loudon | Mayer | McKenna | Nodler |
| Ridgeway | Rupp | Scott | Shields | Shoemyer | Stouffer | Vogel—23 | |

Absent—Senators

| | |
|--------|--------|
| Bartle | Days—2 |
|--------|--------|

Absent with leave—Senators

| | |
|---------|------------|
| Coleman | Purgason—2 |
|---------|------------|

Vacancies—None

Senator Smith offered **SA 5**:

SENATE AMENDMENT NO. 5

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page

9, Section 570.056, Line 4, by inserting after all of said line the following:

“Section 1. The owner of any electric plant that receives permission or approval from the commission under section 393.171, RSMo, shall pay to the state an amount of five hundred thousand dollars, which shall be deposited into the green school grant fund under section 2. At no time shall the cost incurred by an electrical corporation in association with the payment under this section be recoverable, in any form at any time, from the ratepayers of any such electrical corporation.

Section 2. 1. Subject to appropriation from the green school grant fund created under this section, the department of elementary and secondary education shall provide grants after July 1, 2009, to assist local public school districts obtain LEED certification for new construction or substantial renovation of public school buildings. For purposes of this section, “LEED certification” shall mean any certification issued by the United States Green Building Council under the Leadership in Energy and Environmental Design Green Building Rating System.

2. The department shall promulgate rules by July 1, 2009, for the green school grants authorized under 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.

3. The cumulative total of all grants under this section awarded per fiscal year shall not exceed five hundred thousand dollars.”

4. The “Green School Grant Fund” is hereby created. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, moneys in the fund shall be used solely to provide grants under the provisions of this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys collected under section 1 shall not revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted and requested a roll call vote be taken. He was joined in his request by Senators Bray, Green, Justus and Shoemyer.

SA 5 failed of adoption by the following vote:

YEAS—Senators

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|---------|----------|-------|-----------|-------|--------|---------|--------|
| Bray | Callahan | Days | Graham | Green | Justus | Kennedy | Koster |
| McKenna | Shoemyer | Smith | Wilson—12 | | | | |

NAYS—Senators

| | | | | | | | |
|-------------|----------|----------|---------|---------|----------|---------|---------|
| Barnitz | Bartle | Champion | Clemens | Crowell | Dempsey | Gibbons | Goodman |
| Griesheimer | Lager | Loudon | Mayer | Nodler | Ridgeway | Rupp | Scott |
| Shields | Stouffer | Vogel—19 | | | | | |

Absent—Senator Engler—1

Absent with leave—Senators

Coleman Purgason—2

Vacancies—None

Senator Nodler assumed the Chair.

Senator Bray offered **SA 6**:

SENATE AMENDMENT NO. 6

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page 2, Section 386.572, Line 48, by inserting after all of said line the following:

“393.170. 1. No gas corporation, electrical corporation, water corporation or sewer corporation shall begin construction of a gas plant, electric plant, water system or sewer system without first having obtained the permission and approval of the commission.

2. No such corporation shall exercise any right or privilege under any franchise hereafter granted, or under any franchise heretofore granted but not heretofore actually exercised, or the exercise of which shall have been suspended for more than one year, without first having obtained the permission and approval of the commission. Before such certificate shall be issued a certified copy of the charter of such corporation shall be filed in the office of the commission, together with a verified statement of the president and secretary of the corporation, showing that it has received the required consent of the proper municipal authorities.

3. The commission shall have the power to grant the permission and approval herein specified whenever it shall after due hearing determine that such construction or such exercise of the right, privilege or franchise is necessary or convenient for the public service. The commission may by its order impose such condition or conditions as it may deem reasonable and necessary. Unless exercised within a period of two years from the grant thereof, authority conferred by such certificate of convenience and necessity issued by the commission shall be null and void.

4. Prior to the application for permission and approval that is required under subsection 1 of this section, all corporations shall first confer with the city or county government where the proposed certificate is located, and if said city or county has zoning regulations, the corporation shall procure a certificate from said city or county government that shows compliance with the existing zoning requirements of said city or county and this certificate shall be presented to the commission. If there is no zoning in place for the city or county, then no certificate is required. If the certificate from the city or county is not presented to the commission prior to the beginning of construction, the commission shall not grant the permission and approval under this section.”; and

Further amend the title and enacting clause accordingly.

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

Senator Bray offered **SA 7**, which was read:

SENATE AMENDMENT NO. 7

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page 4, Section 393.275, Line 28, by striking the following: “and such purchased gas” and inserting in lieu

thereof a period “.”; and further amend lines 29-50 by striking all of said lines and inserting in lieu thereof the following:

“3. The commission shall study the benefits and detriments of including the gas cost portion of net write-offs in purchased gas adjustment rates and submit a report of its findings to the general assembly by December 31, 2008.”.

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

Senator Griesheimer assumed the Chair.

Senator Smith offered **SA 8**, which was read:

SENATE AMENDMENT NO. 8

Amend Senate Committee Substitute for House Committee Substitute for House Bill No. 2279, Page 9, Section 570.056, Line 4, by inserting after all of said line the following:

“Section 1. The owner of any electric plant that receives permission or approval from the commission under section 393.171, RSMo, shall pay to the state, as consideration for such permission or approval, an amount of five hundred thousand dollars, which shall be deposited into the utilicare stabilization fund created in section 660.136, RSMo. At no time shall the cost incurred by an electrical corporation in association with the payment under this section be recoverable, in any form at any time, from the ratepayers of any such electrical corporation.”; and

Further amend the title and enacting clause accordingly.

Senator Smith moved that the above amendment be adopted.

Senator Callahan requested a roll call vote be taken and was joined in his request by Senators Days, Justus, Koster and Smith.

SA 8 failed of adoption by the following vote:

YEAS—Senators

| | | | | | | | |
|---------|-------|----------|----------|--------|-----------|--------|---------|
| Barnitz | Bray | Callahan | Days | Graham | Green | Justus | Kennedy |
| Koster | Mayer | McKenna | Shoemyer | Smith | Wilson—14 | | |

NAYS—Senators

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|--------|---------|----------|--------|---------|---------|-------------|----------|
| Bartle | Clemens | Dempsey | Engler | Gibbons | Goodman | Griesheimer | Lager |
| Loudon | Nodler | Ridgeway | Rupp | Scott | Shields | Stouffer | Vogel—16 |

Absent—Senators

| | |
|----------|-----------|
| Champion | Crowell—2 |
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Absent with leave—Senators

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|---------|------------|
| Coleman | Purgason—2 |
|---------|------------|

Vacancies—None

Senator Engler moved that **SCS** for **HCS** for **HB 2279**, as amended, be adopted, which motion prevailed.

On motion of Senator Engler, **SCS** for **HCS** for **HB 2279**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

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|---------|-----------|---------|----------|----------|-------------|----------|----------|
| Barnitz | Bartle | Bray | Callahan | Champion | Clemens | Crowell | Days |
| Dempsey | Engler | Gibbons | Goodman | Green | Griesheimer | Koster | Lager |
| Mayer | McKenna | Nodler | Ridgeway | Scott | Shields | Shoemyer | Stouffer |
| Vogel | Wilson—26 | | | | | | |

NAYS—Senators

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|--------|--------|---------|--------|---------|
| Graham | Justus | Kennedy | Loudon | Smith—5 |
|--------|--------|---------|--------|---------|

Absent—Senator Rupp—1

Absent with leave—Senators

| | |
|---------|------------|
| Coleman | Purgason—2 |
|---------|------------|

Vacancies—None

The President declared the bill passed.

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

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

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

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 **HJR 48**, entitled:

Joint Resolution submitting to the qualified voters of Missouri, an amendment to article VIII of the Constitution of Missouri, and adopting one new section relating to voter identification.

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 Speaker has appointed the following conference committee to act with a like committee from the Senate on **SB 1068**, as amended. Representatives: Sater, Cooper 155, Schaff, Curls and Swinger.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **HCS**

for **SB 1074**, as amended. Representatives: Smith (14), Schoeller, Muschany, Burnett and Vogt.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the Speaker has appointed the following conference committee to act with a like committee from the Senate on **SS** for **SCS** for **HB 2224**. Representatives: Schneider, Jones (117), Parson, Roorda and Hubbard.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **HCS** for **SB 1074**, as amended: Senators Dempsey, Rupp, Ridgeway, Shoemyer and Coleman.

President Pro Tem Gibbons appointed the following conference committee to act with a like committee from the House on **SB 1068**, with **HA 1** and **HA 3**: Senators Mayer, Engler, Lager, Shoemyer and Kennedy.

REPORTS OF STANDING COMMITTEES

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SB 1099** and **SS No. 2** for **SCS** for **SBs 1021** and **870**, 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 Mayer offered Senate Resolution No. 2681, regarding Deven Michael Halcomb, which was adopted.

Senator Kennedy offered Senate Resolution No. 2682, regarding the Ninetieth Birthday of Helen M. Leiendecker, Hillsboro, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Green introduced to the Senate, Dr. Ty McNichols, Linda Delaney, Tonya Jackson, Darren Pelot, adults and seventy-four fourth grade students from Jamestown Elementary School, Florissant; and Kayla McNutt, Simone Simms and Jazmin Harvey were made honorary pages.

Senator Dempsey introduced to the Senate, fourth grade students from St. Cletus School, St. Charles.

Senator Ridgeway introduced to the Senate, twenty-six eighth grade students from Life Christian Academy, Kansas City.

Senator Bartle introduced to the Senate, students from Hawthorn Hill Elementary School, Lee's Summit.

Senator Mayer introduced to the Senate, fifth grade students from Advance Elementary School.

On motion of Senator Shields, the Senate adjourned until 10:00 a.m., Monday, May 12, 2008.

SENATE CALENDAR

 SIXTY-SIXTH DAY—MONDAY, MAY 12, 2008

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HCS for HJR 48

THIRD READING OF SENATE BILLS

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

SB 1099-Graham
SS#2 for SCS for SBs 1021 & 870-Loudon

HOUSE BILLS ON THIRD READING

- | | |
|--|---|
| <p>1. HCS for HBs 1595 & 1668 (Mayer) (In Fiscal Oversight)</p> <p>2. HB 2191-Nasheed, et al, with SCS (Coleman) (In Fiscal Oversight)</p> <p>3. HCS for HBs 1321 & 1695, with SCS (Gibbons) (In Fiscal Oversight)</p> <p>4. HB 1832-Cooper (120), et al, with SCS (Griesheimer)</p> <p>5. HCS for HB 2058, with SCS (Kennedy) (In Fiscal Oversight)</p> <p>6. HCS for HB 1700, with SCS (Scott) (In Fiscal Oversight)</p> | <p>7. HCS for HJR 43, with SCS (Gibbons)</p> <p>8. HB 1995-Schieffer, et al (Rupp)</p> <p>9. HB 1716-Guest, et al (Purgason)</p> <p>10. HCS for HBs 1831 & 1472 (Mayer) (In Fiscal Oversight)</p> <p>11. HCS#2 for HB 1423, with SCS (Goodman)</p> <p>12. HCS for HB 1626 (Ridgeway)</p> <p>13. HCS for HBs 1788 & 1882 (Crowell) (In Fiscal Oversight)</p> <p>14. HCS for HB 1314, with SCS (Callahan)</p> |
|--|---|

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)

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

HOUSE BILLS ON THIRD READING

| | |
|---|---|
| HCS for HB 1341 (Nodler) | HCS for HB 1763 (Engler) |
| HB 1358-Flook, et al (Ridgeway) | HCS for HB 1790, HB 1805 & HCS for HB 1546, with SCS (Shields) |
| HCS for HB 1393 (Ridgeway) | HCS for HBs 1876 & 1877, with SCS (Mayer) |
| HCS#2 for HB 1463, with SCS | HCS for HB 1904, with SCS (Goodman) |
| HCS for HB 1474, with SCS (Scott) | HB 1923-Jones (117) and Pratt (Barnitz) |
| HCS for HB 1516, with SCS (Goodman) | HB 1937-Pearce, et al, with SCS (Scott) |
| HB 1532-Davis, with SCS (Rupp) | HB 1973-Franz, with SCS (Engler) |
| HCS for HBs 1549, 1771, 1395 & 2366 (Rupp) | HB 1983-Pratt, with SCS (Goodman) |
| HCS for HB 1550 (Dempsey) | HCS for HB 2041, with SCS (Scott) |
| HB 1617-Cunningham (86), et al (Dempsey) | HCS for HB 2068 (Scott) |
| HB 1656-Nance and Cooper (155), with SCS (Stouffer) | HB 2081-Dougherty, with SCS (pending) (Callahan) |
| HB 1661-LeVota, et al (Ridgeway) | HCS for HB 2104, HB 1574, HB 1706, HCS for HB 1774, HB 2055 & HCS for HB 2056, with SCS (Crowell) |
| HB 1711-Weter, et al, with SCS, SS#2 for SCS & SA 10 (pending) (Clemens) | |
| HCS for HB 1722, with SCS (Mayer) | |

HB 2226-Muschany (Rupp)

HCS for HJR 55 (Crowell)

CONSENT CALENDAR

House Bills

Reported 4/10

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

Reported 4/14

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| HB 1608-Ervin (Ridgeway) | HB 1419-Portwood (Loudon) |
| HB 2065-Wasson, with SCS (Scott) | HB 1791-Cooper (155), et al (Barnitz) |
| HB 1450-Roorda, 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

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| 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) | |

BILLS IN CONFERENCE AND BILLS
CARRYING REQUEST MESSAGES

In Conference

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| SCS for SB 724-Scott, et al, with HCS, as amended (Senate adopted CCR and passed CCS) SB 841-Stouffer, with HCS, as amended | SS for SCS for SB 931-Purgason, with HCS, as amended (Senate adopted CCR and passed CCS) SB 1068-Mayer, with HA 1 & HA 3 |
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SB 1074-Dempsey, with HCS, as amended

HB 2224-Jones (117), with SS for SCS
(Griesheimer)

RESOLUTIONS

Reported from Committee

SCR 27-Champion
SCR 32-Purgason
SCR 33-Bray

HCR 7-Pearce, et al (Rupp)
HCR 23-Dixon, et al, with SCA 1 (Loudon)

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