

Journal of the Senate

SECOND REGULAR SESSION

TENTH DAY—MONDAY, JANUARY 28, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I can do all things through him who strengthens me.” (Philipians 4:13)

Gracious God, there are still many weeks ahead as we start this new one and yet in many ways it doesn’t seem enough time. But Lord we pray that even though the tasks ahead are many and challenges still unfolding that must be addressed we know that with Your help we can accomplish more than without You. So we ask for Your guidance and strength to accomplish what You would desire for us. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal for Thursday, January 24, 2008 was read and approved.

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

Present—Senators

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

Wilson—33

Absent—Senators—None

Absent with leave—Senator Loudon—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Mayer offered Senate Resolution No. 1582, regarding the Ninety-ninth Birthday of Isadore Rainey, Kennett, which was adopted.

Senator Graham offered Senate Resolution No. 1583, regarding Nanova, Incorporated, Columbia, which was adopted.

Senator Graham offered Senate Resolution No. 1584, regarding Eric Michael Raw, which was adopted.

Senator Lager offered Senate Resolution No. 1585, regarding Eli Jacob Hale, Rock Port, which was adopted.

Senator Lager offered Senate Resolution No. 1586, regarding Dakota William Kelsey, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 1587, regarding Ryan Max Allnutt, Trenton, which was adopted.

Senator Lager offered Senate Resolution No. 1588, regarding Jace N. Glidewell, Spickard, which was adopted.

Senator Lager offered Senate Resolution No. 1589, regarding the Eightieth Birthday of Jeanne Moyer, Hopkins, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1590, regarding James Clifford "Jay" Seward, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1591, regarding Joshua Aaron Dick, Avondale, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1592, regarding Corey Dylan Jepson, Kansas City, which was adopted.

On behalf of Senator Loudon, Senator Shields offered Senate Resolution No. 1593, regarding Aaron Michael Spence, Ballwin, which was adopted.

Senator Barnitz offered Senate Resolution No. 1594, regarding the One Hundredth Birthday of Ray Hollis, Vienna, which was adopted.

Senator Barnitz offered Senate Resolution No. 1595, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Calvin E. McIntosh, Salem, which was adopted.

Senator Barnitz offered Senate Resolution No. 1596, regarding the One Hundred Sixth Birthday of Vera K. Vieman, Bourbon, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1597, regarding Paris Brothers, Inc., Kansas City, which was adopted.

Senator Vogel offered Senate Resolution No. 1598, regarding ValRich Foods, LLC--La Casita's Homestyle Mexican Foods, Jefferson City, which was adopted.

Senator Stouffer offered Senate Resolution No. 1599, regarding One to Many Solutions, Macon, which was adopted.

Senator Stouffer offered Senate Resolution No. 1600, regarding Midwest Customs, Carrollton, which

was adopted.

Senator Nodler offered Senate Resolution No. 1601, regarding Sign Designs, Joplin, which was adopted.

Senator Clemens offered Senate Resolution No. 1602, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Henry Edward Parks, Fair Grove, which was adopted.

Senator Crowell offered Senate Resolution No. 1603, regarding Jacob Russell Underwood, Scott City, which was adopted.

Senator Crowell offered Senate Resolution No. 1604, regarding Technology and Networking, Incorporated, Cape Girardeau, which was adopted.

Senator Stouffer offered Senate Resolution No. 1605, regarding Andrew Gray, Lexington, which was adopted.

Senator Coleman offered Senate Resolution No. 1606, regarding RoJack, LLC, Saint Louis, which was adopted.

Senator Lager offered Senate Resolution No. 1607, regarding Sean Patrick Ashcraft, Holt, which was adopted.

Senator Lager offered Senate Resolution No. 1608, regarding Jeffrey Allen Saul, Trenton, which was adopted.

CONCURRENT RESOLUTIONS

Senator Justus offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION NO. 28

Relating to the ratification of the Equal Rights Amendment to the United States Constitution.

WHEREAS, three years after women won the right to vote, the Equal Rights Amendment to the United States Constitution, authored by Alice Paul, head of the National Women's Party, was introduced in Congress by Senator Curtis and Representative Anthony, both Republicans; and

WHEREAS, the Equal Rights Amendment to the United States Constitution passed the United States Senate and then the United States House of Representatives, and on March 22, 1972, the proposed Amendment to the United States Constitution was sent to the states for ratification; and

WHEREAS, the Equal Rights Amendment to the United States Constitution states:

"Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification."; and

WHEREAS, Congress placed a deadline of June 30, 1982, on the ratification process and thirty-five states ratified the proposed Amendment before the deadline; and

WHEREAS, Congress may not have the constitutional authority to place a deadline on the ratification process; and

WHEREAS, Article V of the United States Constitution allows the General Assembly of the State of Missouri to ratify this proposed Amendment to the Constitution of the United States; and

WHEREAS, the General Assembly of the State of Missouri finds that the proposed Amendment is meaningful and needed as part of the United States Constitution and that the present political, social and economic conditions are the same as or are even more demanding today than they were when the proposed Amendment was first submitted for adoption:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-Fourth General Assembly, Second Regular

Session, the House of Representatives concurring therein, that the Equal Rights Amendment to the United States Constitution is hereby ratified; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be instructed to prepare a properly inscribed copy of this resolution for the Archivist of the United States, Washington, D.C.; the Vice President of the United States; the Speaker of the United States House of Representatives; and each member of the Missouri Congressional Delegation with request that it be printed in the Congressional Record.

Read 1st time.

INTRODUCTION OF BILLS

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

SB 1024—By Scott.

An Act to repeal sections 105.711, 226.095, 537.600, and 537.610, RSMo, and to enact in lieu thereof three new sections relating to civil actions against government entities, agents, officers, and employees.

SB 1025—By Scott.

An Act to repeal section 194.119, RSMo, and to enact in lieu thereof one new section relating to the final disposition of a dead human body.

SB 1026—By Scott.

An Act to amend chapter 227, RSMo, by adding thereto one new section relating to the designation of a memorial highway.

SB 1027—By Smith.

An Act to repeal section 160.410, RSMo, and to enact in lieu thereof one new section relating to charter schools.

SB 1028—By Justus.

An Act to repeal section 135.805, RSMo, and to enact in lieu thereof one new section relating to reports of certain agencies regarding the utilization of state tax credits.

SB 1029—By Rupp.

An Act to repeal sections 374.202, 374.205, and 374.207, RSMo, and to enact in lieu thereof fifteen new sections relating to the market conduct surveillance act, with penalty provisions.

SB 1030—By Rupp.

An Act to repeal sections 205.920, 291.010, 291.020, 291.030, 291.040, 291.050, 291.060, 291.065, 291.070, 291.080, 291.120, 291.130, 291.140, 291.150, 292.010, 292.020, 292.030, 292.040, 292.050, 292.060, 292.070, 292.080, 292.090, 292.110, 292.120, 292.130, 292.140, 292.150, 292.160, 292.180, 292.190, 292.200, 292.210, 292.220, 292.230, 292.240, 292.250, 292.280, 292.290, 292.300, 292.310, 292.320, 292.330, 292.340, 292.350, 292.360, 292.370, 292.380, 292.390, 292.400, 292.410, 292.420, 292.430, 292.440, 292.450, 292.460, 292.470, 292.480, 292.490, 292.500, 292.510, 292.520, 292.530, 292.540, 292.560, 292.570, 292.600, 292.602, 292.604, 292.605, 292.606, 292.607, 292.610, 292.613, 292.615, 292.617, 292.623, 292.625, 292.630, and 292.650, RSMo, relating to employee health and welfare.

SB 1031—By Koster, Callahan and Justus.

An Act to repeal section 565.153, RSMo, and to enact in lieu thereof one new section relating to parental kidnapping, with penalty provisions.

SB 1032—By Dempsey.

An Act to repeal section 578.023, RSMo, and to enact in lieu thereof one new section relating to dangerous wild animals, with penalty provisions.

SB 1033—By Griesheimer.

An Act to repeal section 49.292, RSMo, and to enact in lieu thereof one new section relating to transfers of real property to counties.

SB 1034—By Mayer.

An Act to repeal section 407.300, RSMo, and to enact in lieu thereof four new sections relating to scrap metal purchases, with penalty provisions.

SB 1035—By Scott.

An Act to amend chapter 407, RSMo, by adding thereto one new section relating to civil actions for unlawful merchandising practices.

SB 1036—By Coleman and Engler.

An Act to amend chapter 173, RSMo, by adding thereto one new section relating to a tuition grant for children and spouses of veterans killed in combat.

SB 1037—By Shields.

An Act to repeal section 163.011, RSMo, and to enact in lieu thereof one new section relating to state funding for elementary and secondary education.

SB 1038—By Shields.

An Act to repeal sections 130.016, 130.021, and 130.037, RSMo, and section 130.032 as enacted by conference committee substitute no. 2 for house substitute for house committee substitute for senate committee substitute for senate bill no. 16, eighty-ninth general assembly, first regular session, and section 130.032 as enacted by conference committee substitute for senate substitute for house committee substitute for house bill no. 1900, ninety-third general assembly, second regular session, and to enact in lieu thereof four new sections relating to campaign finance.

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

January 24, 2008

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

I have the honor to transmit to you herewith for your advice and consent the following appointment:

Kylee M. Strough, Democrat, 1709 Crescent Drive, Saint Joseph, Buchanan County, Missouri 64506, as a member of the Missouri Western State University Board of Governors, for a term ending October 29, 2013, and until her successor is duly appointed and qualified; vice, Carol Moya, term expired.

Respectfully submitted,

MATT BLUNT

HOUSE BILLS ON THIRD READING

HB 2015, introduced by Representative Icet, entitled:

An Act to appropriate money for supplemental purposes for the Department of Social Services, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2008.

Was taken up by Senator Nodler.

On motion of Senator Nodler, **HB 2015** was read the 3rd time and passed by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Coleman	Crowell
Days	Dempsey	Gibbons	Goodman	Graham	Green	Griesheimer	Justus
Koster	Lager	Mayer	McKenna	Nodler	Purgason	Ridgeway	Rupp
Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—31	

NAYS—Senators—None

Absent—Senators

Engler Kennedy—2

Absent with leave—Senator Loudon—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.

HB 2021, introduced by Representative Icet, entitled:

An Act to appropriate money for supplemental purposes for the Department of Conservation, for the purchase of equipment, and for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions, from the funds designated for the fiscal period ending June 30, 2008.

Was taken up by Senator Nodler.

On motion of Senator Nodler, **HB 2021** 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	Koster	Lager	Mayer	McKenna	Nodler	Purgason	Ridgeway
Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Kennedy—1

Absent with leave—Senator Loudon—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.

HB 2022, introduced by Representative Icet, entitled:

An Act to appropriate money for supplemental purposes for the Department of Public Safety, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2008.

Was taken up by Senator Nodler.

On motion of Senator Nodler, **HB 2022** 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	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Shields	Shoemyer	Smith	Stouffer	Vogel	Wilson—32

NAYS—Senators—None

Absent—Senator Scott—1

Absent with leave—Senator Loudon—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.

SECOND READING OF SENATE BILLS

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

SB 1010—Economic Development, Tourism and Local Government.

SB 1011—Economic Development, Tourism and Local Government.

SB 1012—Economic Development, Tourism and Local Government.

SB 1013—Education.

SB 1014—Education.

SB 1015—Health and Mental Health.

SB 1016—Judiciary and Civil and Criminal Jurisprudence.

SB 1017—Education.

SB 1018—Economic Development, Tourism and Local Government.

SB 1019—Judiciary and Civil and Criminal Jurisprudence.

SB 1020—Ways and Means.

SB 1021—Pensions, Veterans' Affairs and General Laws.

SB 1022—Judiciary and Civil and Criminal Jurisprudence.

SB 1023—Education.

COMMITTEE APPOINTMENTS

President Pro Tem Gibbons appointed the following escort committee pursuant to **HCR 2**: Senators Gibbons, Coleman, Bartle, Goodman, Mayer, Scott, Justus, Callahan, McKenna and Smith.

REFERRALS

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

COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

January 24, 2008

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

Dear Mrs. Spieler:

Please be advised that I have appointed Senator Delbert Scott to the Senate Standing Committee on the Judiciary and Civil and Criminal Jurisprudence.

If you have any questions regarding this matter do not hesitate to contact me.

Thank you.

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

INTRODUCTIONS OF GUESTS

Senator Engler introduced to the Senate, Karen Kirby and students from Jefferson R-VII School, Jefferson County.

Senator Griesheimer introduced to the Senate, Debbie Door, Kathy Hawkins and Jeanine Stevens, Franklin County; and Darryl Kempf, Cooper County.

The President introduced to the Senate, Cisco Networking Academy.
On motion of Senator Shields, the Senate adjourned under the rules.

SENATE CALENDAR

ELEVENTH DAY—TUESDAY, JANUARY 29, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1024-Scott	SB 1032-Dempsey
SB 1025-Scott	SB 1033-Griesheimer
SB 1026-Scott	SB 1034-Mayer
SB 1027-Smith	SB 1035-Scott
SB 1028-Justus	SB 1036-Coleman and Engler
SB 1029-Rupp	SB 1037-Shields
SB 1030-Rupp	SB 1038-Shields
SB 1031-Koster, et al	

INFORMAL CALENDAR

RESOLUTIONS

SR 1515-Coleman

To be Referred

SCR 28-Justus

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