

# Journal of the Senate

SECOND REGULAR SESSION

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**SECOND DAY—THURSDAY, JANUARY 10, 2008**

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“With blessings of light, of hope, of peace, of spirit—we bring not might, not power, but the Breath of Life.” (Rabbi Arthur Waskow)

Heavenly Father, as we complete this shortened week and return to our homes and constituents let us bring a spirit of light and hope to all we meet so that each encounter improves our relationships with one another and we breathe life into what You have given us. Let us embody peace of mind and spirit so that we imbue calm around us. And this weekend let us draw closer to You and continue a dialogue with You. 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	Bray	Callahan	Champion	Clemens	Days	Dempsey	Gibbons
Goodman	Graham	Green	Griesheimer	Justus	Kennedy	Koster	Lager
Loudon	Mayer	McKenna	Nodler	Purgason	Ridgeway	Scott	Shields
Shoemyer	Smith	Stouffer	Vogel	Wilson—29			

Absent—Senators—None

Absent with leave—Senators

Bartle	Coleman	Crowell	Engler	Rupp—5
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Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Shields offered Senate Resolution No. 1495, regarding the American Optometric Association, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1496, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Melvin F. Wagner, which was adopted.

Senator Shields offered the following resolution, which was read and adopted:

## SENATE RESOLUTION NO. 1497

BE IT RESOLVED by the Senate, that the Administrator of the Senate be and is hereby instructed to have placed in the Post Office of the Senate, or delivered each day to such other address as may be designated, Missouri newspapers for each Senator and each elected officer of the Senate, such papers to be designated by the Senator or officer, and the expenses of same to be paid out of the contingent fund of the Senate.

Senator Gibbons moved that **SR 1472** be taken up for adoption, which motion prevailed.

On motion of Senator Gibbons, **SR 1472** was adopted by the following vote:

## YEAS—Senators

Barnitz	Bray	Callahan	Champion	Clemens	Days	Dempsey	Gibbons
Goodman	Graham	Green	Griesheimer	Justus	Koster	Lager	Loudon
Mayer	McKenna	Nodler	Purgason	Ridgeway	Scott	Shields	Shoemyer
Smith	Stouffer	Vogel	Wilson—28				

## NAYS—Senators—None

## Absent—Senators—None

## Absent with leave—Senators

Bartle	Coleman	Crowell	Engler	Kennedy	Rupp—6
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## Vacancies—None

Senator Stouffer offered Senate Resolution No. 1498, regarding Lola A. Watts, Fayette, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1499, regarding the One Hundredth Birthday of Geneva Mae Smith, Gladstone, which was adopted.

Senator Ridgeway offered Senate Resolution No. 1500, regarding Tammy Henderson, Kansas City, which was adopted.

**INTRODUCTION OF BILLS**

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

**SB 925**—By Days.

An Act to amend chapter 162, RSMo, by adding thereto one new section relating to school district

records.

**SB 926**—By Green.

An Act to repeal sections 105.483, 130.021, 130.032, 130.050, and 130.072, RSMo, and to enact in lieu thereof five new sections relating to ethics.

**SB 927**—By Green and Callahan.

An Act to repeal sections 285.025 and 290.560, RSMo, and to enact in lieu thereof two new sections relating to employment of unqualified labor, with penalty provisions.

**SB 928**—By Green.

An Act to repeal section 392.410, RSMo, and to enact in lieu thereof one new section relating to the public service commission.

**SB 929**—By Green and Callahan.

An Act to repeal sections 285.300 and 285.302, RSMo, and to enact in lieu thereof nine new sections relating to employee misclassification, with penalty provisions and an emergency clause.

**SB 930**—By Stouffer.

An Act to repeal sections 144.805 and 305.230, RSMo, and to enact in lieu thereof two new sections relating to the state aviation trust fund.

**SB 931**—By Purgason.

An Act to amend chapter 267, RSMo, by adding thereto one new section relating to animal identification.

**SB 932**—By Loudon.

An Act to repeal section 650.120, RSMo, and to enact in lieu thereof one new section relating to Internet sex crimes investigation grant program.

**SB 933**—By Loudon.

An Act to repeal sections 566.083 and 573.040, RSMo, and to enact in lieu thereof two new sections relating to criminal offenses against a child, with penalty provisions.

**SB 934**—By Dempsey.

An Act to repeal section 116.080, RSMo, and to enact in lieu thereof one new section relating to initiative petition circulators, with penalty provisions.

The Senate observed a moment of silence in memory of the storm victims of Webster and Greene Counties.

### REFERRALS

President Pro Tem Gibbons referred the Gubernatorial Appointments appearing on pages 25 through 58 of the Senate Journal for Wednesday, January 9, 2008, to the Committee on Gubernatorial Appointments.

### COMMUNICATIONS

President Pro Tem Gibbons submitted the following:

**SENATE HEARING SCHEDULE  
94th GENERAL ASSEMBLY  
SECOND REGULAR SESSION  
JANUARY 10, 2008**

	Monday	Tuesday	Wednesday	Thursday
8:00 a.m.		Appropriations SCR 2 (Nodler)	Appropriations SCR 2 (Nodler)  Transportation SCR 1 (Stouffer)	
8:15 a.m.		Seniors, Families and Public Health SCR 1 (Champion)		
8:30 a.m.			Gubernatorial Appointments SL (Gibbons)	Commerce, Energy and the Environment SL (Engler)  Governmental Accountability and Fiscal Oversight SCR 1 (Goodman)
12:30 p.m.	Appropriations SCR 2 (Nodler)			
1:00 p.m.		Health and Mental Health SL (Purgason)  Small Business, Insurance and Industrial Relations SCR 1 (Loudon)	Pensions, Veterans' Affairs and General Laws SL (Crowell)  Rules, Joint Rules, Resolutions and Ethics SCR 1 (Shields)	
2:00 p.m.			Economic Development, Tourism and Local Government SL (Griesheimer)  Education SCR 1 (Mayer)	
2:30 p.m.	Financial and Governmental Organizations and Elections SL (Scott)  Ways and Means SCR 1 (Vogel)			
3:00 p.m.		Agriculture, Conservation, Parks and Natural Resources SL (Clemens)		
7:00 p.m.	Judiciary and Civil and Criminal Jurisprudence SL (Bartle)			

Also,

President Pro Tem Gibbons submitted the following:

January 10, 2008

Mrs. Terry Spieler  
Secretary of the Senate

Madame Secretary:

Pursuant to Senate Resolution 1472, I make the following appointments:

- Senator Yvonne Wilson to the Senate Seniors, Families and Public Health Committee
- Senator Chris Koster to the Senate Commerce, Energy and the Environment Committee
- Senator Chris Koster to the Senate Economic Development, Tourism and Local Government Committee
- Senator Frank Barnitz to the Senate Education Committee
- Senator Jeff Smith to the Senate Financial and Governmental Organizations and Elections Committee
- Senator Ryan McKenna to the Senate Gubernatorial Appointments Committee
- Senator Chris Koster to the Senate Agriculture, Conservation, Parks and Natural Resources Committee

Further, pursuant to Senate Resolution 1472, I am removing the following:

- Senator Chuck Purgason from the Senate Gubernatorial Appointments Committee
- Senator Delbert Scott from the Senate Small Business, Insurance and Industrial Relations Committee

Respectfully Submitted,  
/s/ Michael R. Gibbons  
MICHAEL R. GIBBONS  
President Pro Tem

Also,

January 10, 2008

The Honorable Michael Gibbons - President Pro-Tem of the Senate  
State Capitol, Room 326  
Jefferson City, Missouri 65101

Dear Senator Gibbons:

Pursuant to Rule 12 of the Senate Rules, I hereby appoint Senator Chris Koster to the Senate Committee on Pensions, Veterans' Affairs and General Laws replacing Senator Harry Kennedy.

Sincerely,  
/s/ Maida J. Coleman  
Maida J. Coleman  
Minority Floor Leader

Also,

January 10, 2008

The Honorable Michael Gibbons - President Pro-Tem of the Senate  
State Capitol, Room 326  
Jefferson City, Missouri 65101

Dear Senator Gibbons:

Pursuant to Rule 12 of the Senate Rules, I hereby appoint Senator Chris Koster to the Senate Committee on Judiciary and Civil & Criminal

Jurisprudence replacing Senator Jeff Smith.

Sincerely,  
/s/ Maida J. Coleman  
Maida J. Coleman  
Minority Floor Leader

## **SECOND READING OF SENATE BILLS**

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

**SB 711**—Ways and Means.

**SB 712**—Commerce, Energy and the Environment.

**SB 713**—Education.

**SB 714**—Judiciary and Civil and Criminal Jurisprudence.

**SB 715**—Education.

**SB 716**—Pensions, Veterans' Affairs and General Laws.

**SB 717**—Ways and Means.

**SB 718**—Economic Development, Tourism and Local Government.

**SB 719**—Education.

**SB 720**—Commerce, Energy and the Environment.

**SB 721**—Commerce, Energy and the Environment.

**SB 722**—Ways and Means.

**SB 723**—Financial and Governmental Organizations and Elections.

**SB 724**—Financial and Governmental Organizations and Elections.

**SB 725**—Ways and Means.

**SB 726**—Education.

**SB 727**—Judiciary and Civil and Criminal Jurisprudence.

**SB 728**—Transportation.

**SB 729**—Economic Development, Tourism and Local Government.

**SB 730**—Education.

**SB 731**—Transportation.

**SB 732**—Seniors, Families and Public Health.

**SB 733**—Judiciary and Civil and Criminal Jurisprudence.

**SB 734**—Judiciary and Civil and Criminal Jurisprudence.

**SB 735**—Ways and Means.

**SB 736**—Judiciary and Civil and Criminal Jurisprudence.

- SB 737**—Judiciary and Civil and Criminal Jurisprudence.
- SB 738**—Agriculture, Conservation, Parks and Natural Resources.
- SB 739**—Governmental Accountability and Fiscal Oversight.
- SB 740**—Economic Development, Tourism and Local Government.
- SB 741**—Health and Mental Health.
- SB 742**—Small Business, Insurance and Industrial Relations.
- SB 743**—Ways and Means.
- SB 744**—Financial and Governmental Organizations and Elections.
- SB 745**—Judiciary and Civil and Criminal Jurisprudence.
- SB 746**—Small Business, Insurance and Industrial Relations.
- SB 747**—Judiciary and Civil and Criminal Jurisprudence.
- SB 748**—Ways and Means.
- SB 749**—Ways and Means.
- SB 750**—Pensions, Veterans’ Affairs and General Laws.
- SB 751**—Pensions, Veterans’ Affairs and General Laws.
- SB 752**—Financial and Governmental Organizations and Elections.
- SB 753**—Transportation.
- SB 754**—Judiciary and Civil and Criminal Jurisprudence.
- SB 755**—Seniors, Families and Public Health.
- SB 756**—Seniors, Families and Public Health.
- SB 757**—Financial and Governmental Organizations and Elections.
- SB 758**—Judiciary and Civil and Criminal Jurisprudence.
- SB 759**—Agriculture, Conservation, Parks and Natural Resources.
- SB 760**—Transportation.
- SB 761**—Transportation.
- SB 762**—Education.
- SB 763**—Judiciary and Civil and Criminal Jurisprudence.
- SB 764**—Seniors, Families and Public Health.
- SB 765**—Economic Development, Tourism and Local Government.
- SB 766**—Judiciary and Civil and Criminal Jurisprudence.
- SB 767**—Judiciary and Civil and Criminal Jurisprudence.
- SB 768**—Seniors, Families and Public Health.

- SB 769**—Judiciary and Civil and Criminal Jurisprudence.
- SB 770**—Education.
- SB 771**—Ways and Means.
- SB 772**—Commerce, Energy and the Environment.
- SB 773**—Small Business, Insurance and Industrial Relations.
- SB 774**—Transportation.
- SB 775**—Small Business, Insurance and Industrial Relations.
- SB 776**—Seniors, Families and Public Health.
- SB 777**—Ways and Means.
- SB 778**—Seniors, Families and Public Health.
- SB 779**—Education.
- SB 780**—Education.
- SB 781**—Judiciary and Civil and Criminal Jurisprudence.
- SB 782**—Small Business, Insurance and Industrial Relations.
- SB 783**—Small Business, Insurance and Industrial Relations.
- SB 784**—Judiciary and Civil and Criminal Jurisprudence.
- SB 785**—Economic Development, Tourism and Local Government.
- SB 786**—Commerce, Energy and the Environment.
- SB 787**—Judiciary and Civil and Criminal Jurisprudence.
- SB 788**—Financial and Governmental Organizations and Elections.
- SB 789**—Small Business, Insurance and Industrial Relations.
- SB 790**—Judiciary and Civil and Criminal Jurisprudence.
- SB 791**—Judiciary and Civil and Criminal Jurisprudence.
- SB 792**—Judiciary and Civil and Criminal Jurisprudence.
- SB 793**—Transportation.
- SB 794**—Judiciary and Civil and Criminal Jurisprudence.
- SB 795**—Judiciary and Civil and Criminal Jurisprudence.
- SB 796**—Financial and Governmental Organizations and Elections.
- SB 797**—Financial and Governmental Organizations and Elections.
- SB 798**—Financial and Governmental Organizations and Elections.
- SB 799**—Health and Mental Health.
- SB 800**—Judiciary and Civil and Criminal Jurisprudence.



**SB 801**—Economic Development, Tourism and Local Government.

**SB 802**—Judiciary and Civil and Criminal Jurisprudence.

**SB 803**—Judiciary and Civil and Criminal Jurisprudence.

**SB 804**—Education.

**SB 805**—Ways and Means.

**SB 806**—Pensions, Veterans' Affairs and General Laws.

**SB 807**—Financial and Governmental Organizations and Elections.

**SB 808**—Financial and Governmental Organizations and Elections.

**SB 809**—Transportation.

**SB 810**—Agriculture, Conservation, Parks and Natural Resources.

Senator Shields requested unanimous consent of the Senate to allow members of Franklin County law enforcement to enter the Chamber with side arms, which request was granted.

### RESOLUTIONS

Senator Loudon offered Senate Resolution No. 1501, regarding Joe Beetz, St. Louis, which was adopted.

### INTRODUCTIONS OF GUESTS

Senator Champion introduced to the Senate, Lacy Kendrick, Springfield.

The President introduced to the Senate, John, Delia and Keith Sambo, Atlanta, Georgia; and Kari Dowell, Columbia.

Senator Griesheimer introduced to the Senate, Sheriff Gary Toelke, Union.

On motion of Senator Shields, the Senate adjourned until 4:00 p.m., Monday, January 14, 2008.

### SENATE CALENDAR

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THIRD DAY—MONDAY, JANUARY 14, 2008

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### FORMAL CALENDAR

### SECOND READING OF SENATE BILLS

SB 811-Stouffer  
SB 812-Wilson and Smith  
SB 813-Wilson

SB 814-Wilson  
SB 815-Goodman  
SB 816-Goodman

SB 817-Goodman	SB 859-Rupp
SB 818-Rupp, et al	SB 860-Shoemyer
SB 819-Rupp	SB 861-Shoemyer
SB 820-Rupp	SB 862-Shoemyer
SB 821-Shoemyer	SB 863-Rupp
SB 822-Shoemyer	SB 864-Rupp
SB 823-Shoemyer	SB 865-Rupp and Gibbons
SB 824-Justus	SB 866-Shoemyer
SB 825-Justus	SB 867-Shoemyer
SB 826-Justus	SB 868-Shoemyer
SB 827-Smith	SB 869-Shoemyer and Barnitz
SB 828-Smith	SB 870-Loudon
SB 829-Smith	SB 871-Bray
SB 830-Coleman	SB 872-Stouffer
SB 831-Coleman	SB 873-Graham
SB 832-Coleman	SB 874-Graham
SB 833-Bartle	SB 875-Graham
SB 834-Bartle	SB 876-Graham
SB 835-Bray and Days	SB 877-Mayer
SB 836-Bray	SB 878-Graham
SB 837-Bray	SB 879-Clemens
SB 838-Engler	SB 880-Green
SB 839-Engler	SB 881-Green
SB 840-Engler	SB 882-Green
SB 841-Stouffer	SB 883-Graham
SB 843-Wilson	SB 884-Graham
SB 844-Rupp	SB 885-Graham
SB 845-Rupp and Dempsey	SB 886-Justus
SB 846-Rupp	SB 887-Dempsey and Bray
SB 847-Shoemyer	SB 888-Green
SB 848-Shoemyer	SB 889-Green
SB 849-Shoemyer	SB 890-Green
SB 850-Justus	SB 891-Green
SB 851-Justus	SB 892-Green
SB 852-Smith	SB 893-Green
SB 853-Smith	SB 894-Green
SB 854-Coleman	SB 895-Clemens
SB 855-Coleman	SB 896-Stouffer
SB 856-Engler	SB 897-Wilson
SB 857-Rupp	SB 898-Clemens
SB 858-Rupp	SB 899-Dempsey

SB 900-Vogel	SB 925-Days
SB 901-Loudon, et al	SB 926-Green
SB 902-Loudon	SB 927-Green and Callahan
SB 903-Griesheimer	SB 928-Green
SB 904-Griesheimer	SB 929-Green and Callahan
SB 905-Loudon	SB 930-Stouffer
SB 906-Vogel	SB 931-Purgason
SB 907-Engler and Gibbons	SB 932-Loudon
SB 908-Engler	SB 933-Loudon
SB 909-Engler	SB 934-Dempsey
SB 910-Graham	SJR 29-Loudon and Crowell
SB 911-Engler	SJR 30-Coleman
SB 912-Engler	SJR 31-Bartle
SB 913-Bray	SJR 32-Bartle
SB 914-Bray	SJR 33-Ridgeway
SB 915-Ridgeway	SJR 34-Crowell and Coleman
SB 916-Goodman	SJR 35-Shoemyer
SB 917-Goodman, et al	SJR 36-Graham
SB 918-Goodman	SJR 37-Graham
SB 919-Rupp	SJR 38-Clemens
SB 920-Rupp	SJR 39-Clemens
SB 921-Goodman	SJR 40-McKenna
SB 922-Goodman	SJR 41-Rupp
SB 923-Shoemyer	
SB 924-Koster	

#### INFORMAL CALENDAR

#### RESOLUTIONS

HCR 1-Tilley (Shields)  
HCR 2-Tilley (Shields)

HCR 3-Tilley (Shields)

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