

Journal of the Senate

SECOND REGULAR SESSION

FOURTEENTH DAY—MONDAY, FEBRUARY 4, 2008

The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“Our hearts are made for you and they will not rest until they rest in you.” (Augustine of Hippo Confessions)

Wondrous God, we begin a new month whose symbol is the heart and we pray for hearts that are satisfied with doing Your will and serving Your people. We pray for hearts that extend compassion to those in need and hearts that are healthy to be able to do the work You have for us to do; and loving hearts giving love and accepting it from others who love 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 31, 2008 was read and approved.

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

Present—Senators

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

Wilson—33

Absent—Senators—None

Absent with leave—Senator Champion—1

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 1657, regarding the Sixtieth Birthday of Charle Ware, Aurora, which was adopted.

Senator Purgason offered Senate Resolution No. 1658, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. James Chandler, Linn Creek, which was adopted.

Senator Coleman offered Senate Resolution No. 1659, regarding Alouisa Thames, Kirkwood, which was adopted.

Senator Coleman offered Senate Resolution No. 1660, regarding Elaine Femmer, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1661, regarding Lauren McIntosh, Wildwood, which was adopted.

Senator Coleman offered Senate Resolution No. 1662, regarding Lauren Miller, Chesterfield, which was adopted.

Senator Coleman offered Senate Resolution No. 1663, regarding Danica Diamond, St. Charles, which was adopted.

Senator Coleman offered Senate Resolution No. 1664, regarding Beth Ann Enloe, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1665, regarding Kirsten Siegel, Manchester, which was adopted.

Senator Coleman offered Senate Resolution No. 1666, regarding Lauren Michelle Grzina, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 1667, regarding Ashley Erlinger, House Springs, which was adopted.

Senator Coleman offered Senate Resolution No. 1668, regarding Katie Nebel, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 1669, regarding Leah Marie Younkin, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1670, regarding Melissa Parks, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1671, regarding Shannon Herold, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1672, regarding Jessica Nicole Bernstetter, Defiance, which was adopted.

Senator Coleman offered Senate Resolution No. 1673, regarding Jennifer Boehm, Ellisville, which was adopted.

Senator Coleman offered Senate Resolution No. 1674, regarding Aja Lyonfields, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 1675, regarding Kaitlyn Gunkel, Ballwin, which was adopted.

Senator Coleman offered Senate Resolution No. 1676, regarding Gena Bleyer, Chesterfield, which was adopted.

Senator Coleman offered Senate Resolution No. 1677, regarding Erin Patrick, Arnold, which was adopted.

Senator Coleman offered Senate Resolution No. 1678, regarding Rachael Elizabeth Darron, Fenton, which was adopted.

Senator Coleman offered Senate Resolution No. 1679, regarding Lindsay Edwards, Chesterfield, which was adopted.

Senator Coleman offered Senate Resolution No. 1680, regarding Brittani Burton, Bridgeton, which was adopted.

Senator Coleman offered Senate Resolution No. 1681, regarding Julia Ariel Brunais, Dittmer, which was adopted.

Senator Coleman offered Senate Resolution No. 1682, regarding Lorin Jaeger, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1683, regarding Victoria Lynn Hezel, St. Ann, which was adopted.

Senator Coleman offered Senate Resolution No. 1684, regarding Angela Tornatore, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1685, regarding Kaylee Ann Bassett, Florissant, which was adopted.

Senator Coleman offered Senate Resolution No. 1686, regarding Emma Odenwald, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1687, regarding Rebecca Hilsher, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1688, regarding Nicole Meyer, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1689, regarding Sarah Rosenkoetter, St. Peters, which was adopted.

Senator Coleman offered Senate Resolution No. 1690, regarding Laura Gibbons, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1691, regarding Michelle Hanlon, O'Fallon, which was adopted.

Senator Coleman offered Senate Resolution No. 1692, regarding Jacqueline Valli, Bridgeton, which was adopted.

Senator Coleman offered Senate Resolution No. 1693, regarding Callie Schimmel, St. Peters, which

was adopted.

Senator Coleman offered Senate Resolution No. 1694, regarding Danielle Zimmel, St. Louis, which was adopted.

Senator Coleman offered Senate Resolution No. 1695, regarding Christina Anne Scudder, Kirksville, which was adopted.

On behalf of Senator Champion, Senator Shields offered Senate Resolution No. 1696, regarding Christopher Nelson, Springfield, which was adopted.

Senators Bray and Coleman offered Senate Resolution No. 1697, regarding Peter D. George, Sr., University City, which was adopted.

Senator Mayer offered Senate Resolution No. 1698, regarding the Malden High School track and field program, which was adopted.

Senator Mayer offered Senate Resolution No. 1699, regarding Samantha Green, Malden, which was adopted.

Senator Mayer offered Senate Resolution No. 1700, regarding the Malden High School Beta Club Group Talent students, which was adopted.

Senator Mayer offered Senate Resolution No. 1701, regarding the Malden High School Beta Club competitors, which was adopted.

Senator Scott offered Senate Resolution No. 1702, regarding the Shiloh Tabernacle Restoration and Preservation Group, Quincy, which was adopted.

Senator Vogel offered Senate Resolution No. 1703, regarding Steve A. Brown, Jefferson City, which was adopted.

Senator Barnitz offered Senate Resolution No. 1704, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Melvin L. “Chip” Block, Montgomery City, which was adopted.

Senator Loudon offered Senate Resolution No. 1705, regarding Joe V. Lee, Chesterfield, which was adopted.

Senator Mayer offered Senate Resolution No. 1706, regarding the Seventy-fifth Birthday of Willie Mae Pulliam, Kennett, which was adopted.

Senator Loudon offered Senate Resolution No. 1707, regarding Erika Nicholle Garcia, Chesterfield, which was adopted.

On behalf of Senator Champion, Senator Shields offered Senate Resolution No. 1708, regarding the Matt Miller Company, which was adopted.

Senator Gibbons offered Senate Resolution No. 1709, regarding James Daniel Burke, Ballwin, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1710, regarding John W. Littlefield, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1711, regarding Charlene Braun, Crestwood, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1712, regarding Alwal B. “Al” Moore, Sunset Hills, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1713, regarding Jerre May, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1714, regarding Carol Wagner, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1715, regarding Bess Wilfong, Kirkwood, which was adopted.

Senators Gibbons and Kennedy offered Senate Resolution No. 1716, regarding Amy Richards, which was adopted.

Senator Purgason offered Senate Resolution No. 1717, regarding the Sixtieth Wedding Anniversary of Mr. and Mrs. Omer Candler, Lebanon, which was adopted.

Senator Purgason offered Senate Resolution No. 1718, regarding the One Hundred Third Birthday of Mayme Blickensderfer, Lebanon, which was adopted.

Senator Clemens offered Senate Resolution No. 1719, regarding Anita Dawn Young, Nixa, which was adopted.

Senator Clemens offered Senate Resolution No. 1720, regarding Krista V. Wilson, Nixa, which was adopted.

Senator Clemens offered Senate Resolution No. 1721, regarding Linda Marie Noble, Nixa, which was adopted.

Senator Bartle offered Senate Resolution No. 1722, regarding Mary Lynn Mars Tolle, which was adopted.

Senator Shoemyer offered Senate Resolution No. 1723, regarding Sue Moore, Bowling Green, which was adopted.

Senator Mayer offered Senate Resolution No. 1724, regarding Dwight Thompson, which was adopted.

Senator Clemens offered Senate Resolution No. 1725, regarding Edward Hosier, which was adopted.

INTRODUCTION OF BILLS

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

SB 1072—By Rupp.

An Act to repeal sections 160.400 and 160.410, RSMo, and to enact in lieu thereof two new sections relating to charter schools.

SB 1073—By Dempsey.

An Act to amend chapter 144, RSMo, by adding thereto one new section relating to a sales and use tax exemption for the sale of certain defense articles sold to foreign governments.

SB 1074—By Dempsey.

An Act to repeal section 429.015, RSMo, and to enact in lieu thereof one new section relating to liens

for architects, professional engineers, land surveyors, and landscape architects.

SB 1075—By Engler.

An Act to repeal section 537.327, RSMo, and to enact in lieu thereof one new section relating to immunity from liability for outfitters of watercraft.

SB 1076—By Engler.

An Act to repeal section 537.294, RSMo, and to enact in lieu thereof one new section relating to firearm ranges and hunting preserves.

SB 1077—By Goodman.

An Act to repeal section 434.100, RSMo, and to enact in lieu thereof one new section relating to the treatment of indemnification and hold harmless clauses within construction work contracts.

MESSAGES FROM THE GOVERNOR

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

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 1, 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:

David J. Bywater, Democrat, 1019 NE 92nd Court, Kansas City, Clay County, Missouri 64155, as a member of the Amusement Ride Safety Board, for a term ending April, 17, 2010, and until his successor is duly appointed and qualified; vice, Hugh Mills, resigned.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 1, 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:

William M. Cohen, 13362 Pointe Conway Road, Saint Louis, Saint Louis County, Missouri 63141, as a member of the Missouri Dental Board, for a term ending October 16, 2012, and until his successor is duly appointed and qualified; vice, John Sheets, term expired.

Respectfully submitted,

MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri

Jefferson City

65101

February 1, 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:

Mark J. Collom, Democrat, 68 Shadow Ridge Drive, Saint Peters, Saint Charles County, Missouri 63376, as a member of the Linn State Technical College Board of Regents, for a term ending December 29, 2009, and until his successor is duly appointed and qualified; vice, Norma Stack, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 1, 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:

Michael R. Covington, 6305 South Old Village Road, Columbia, Boone County, Missouri 65203, as a member of the Amber Alert System Oversight Committee, for a term ending October 20, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 1, 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:

Todd H. Epsten, 48 Westmoreland Place, Saint Louis City, Missouri 63108, as a member of the Saint Louis City Board of Police Commissioners, for a term ending January 31, 2012, and until his successor is duly appointed and qualified; vice, Jo Ann Freeman, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 1, 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:

William F. Horn, Jr., 36500 East Steinhauser, Sibley, Jackson County, Missouri 64088, as a member of the Missouri Planning Council on Developmental Disabilities for a term ending June 20, 2009 and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
 Jefferson City
 65101
 February 1, 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:

David A. Johnson, 301 North Walnut Street, Apartment E, Dexter, Stoddard County, Missouri 63841, as a member of the State Blasting Safety Board, for a term ending January 15, 2014, and until his successor is duly appointed and qualified; vice, RSMo 319.324.

Respectfully submitted,
 MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
 Jefferson City
 65101
 February 1, 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:

Jennifer L. Kneib, 2440 River Ridge Road, Saint Joseph, Buchanan County, Missouri 64507, as a member of the Missouri Higher Education Loan Authority, for a term ending October 22, 2012, and until her successor is duly appointed and qualified; vice, John Greer, resigned.

Respectfully submitted,
 MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
 Jefferson City
 65101
 February 1, 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:

William J. Luetkenhaus, Democrat, 742 Hancock Road, Wentzville, Saint Charles County, Missouri 63385, as a member of the Missouri Housing Development Commission, for a term ending October 13, 2011, and until his successor is duly appointed and qualified; vice, reappointed to a full term.

Respectfully submitted,
 MATT BLUNT

Also,

OFFICE OF THE GOVERNOR

State of Missouri
 Jefferson City
 65101
 February 1, 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:

Susan C. Phillips, 7713 North Lucerne Court, Kansas City, Platte County, Missouri 64151, as a member of the Child Abuse and Neglect

Review Board, for a term ending April 7, 2010, and until her successor is duly appointed and qualified; vice, RSMo 210.153.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 1, 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:

Jerome Taylor, Republican, 801 Happy Hollow, Columbia, Boone County, Missouri 65203, as a member of the Missouri Alternative Fuels Commission, for a term ending March 25, 2010, and until his successor is duly appointed and qualified; vice, Bernal Bailey, term expired.

Respectfully submitted,
MATT BLUNT

Also,

OFFICE OF THE GOVERNOR
State of Missouri
Jefferson City
65101
February 1, 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:

Gary F. Toelke, 34 Edwards Circle, Union, Franklin County, Missouri 63084, as a member of the Amber Alert System Oversight Committee, for a term ending October 20, 2011, and until his successor is duly appointed and qualified; vice, Oliver Boyer, term expired.

Respectfully submitted,
MATT BLUNT

REPORTS OF STANDING COMMITTEES

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Shawn P. Griffin, as a member of the MO HealthNet Oversight Committee, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Shields moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator Griesheimer assumed the Chair.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Heidi B. Miller, as a member of the MO HealthNet Oversight Committee, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said

appointment.

Senator Days moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

Senator Gibbons, Chairman of the Committee on Gubernatorial Appointments, submitted the following report:

Mr. President: Your Committee on Gubernatorial Appointments, to which was referred the appointment of Stephen C. Bradford, as a member of the MO HealthNet Oversight Committee, begs leave to report that it has considered the same and recommends that the Senate do give its advice and consent to said appointment.

Senator Crowell moved that the Committee Report be adopted and the Senate do give its advice and consent to the above appointment, which motion prevailed.

SECOND READING OF SENATE BILLS

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

SB 1059—Commerce, Energy and the Environment.

SB 1060—Education.

SB 1061—Financial and Governmental Organizations and Elections.

SB 1062—Judiciary and Civil and Criminal Jurisprudence.

SB 1063—Pensions, Veterans' Affairs and General Laws.

SB 1064—Ways and Means.

SB 1065—Judiciary and Civil and Criminal Jurisprudence.

SB 1066—Education.

SB 1067—Transportation.

SB 1068—Health and Mental Health.

SB 1069—Ways and Means.

SB 1070—Economic Development, Tourism and Local Government.

SB 1071—Financial and Governmental Organizations and Elections.

REFERRALS

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

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

SENATE CALENDAR

FIFTEENTH DAY—TUESDAY, FEBRUARY 5, 2008

FORMAL CALENDAR

SECOND READING OF SENATE BILLS

SB 1072-Rupp
SB 1073-Dempsey
SB 1074-Dempsey

SB 1075-Engler
SB 1076-Engler
SB 1077-Goodman

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