

# Journal of the Senate

SECOND REGULAR SESSION

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THIRTIETH DAY—MONDAY, MARCH 3, 2008

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The Senate met pursuant to adjournment.

President Kinder in the Chair.

Reverend Carl Gauck offered the following prayer:

“I will remember my covenant which is between me and you and every living creature of all flesh that is upon the earth.” (Genesis 9:15)

Eternal God, we remember the covenants that You have made with our ancestors and how You have broken into our troubled world and established Your kingdom with us. As we hear Your word we are also mindful of Your rule of Your left hand, the kingdom of this world and its governments. We pray we may fulfill our role in governing and do so through caring and justice that Your people may benefit from our good stewardship of this power You have given 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, February 28, 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	Lager	Loudon	Mayer	McKenna	Nodler	Purgason
Ridgeway	Rupp	Scott	Shields	Shoemyer	Smith	Stouffer	Vogel

Wilson—33

Absent—Senators—None

Absent with leave—Senator Koster—1

Vacancies—None

The Lieutenant Governor was present.

**RESOLUTIONS**

Senator Lager offered Senate Resolution No. 1992, regarding Zach Kinne, rural Eagleville, which was adopted.

Senator Griesheimer offered Senate Resolution No. 1993, regarding Rachel Priester, Washington, which was adopted.

Senator Kennedy offered Senate Resolution No. 1994, regarding Julie Volansky, St. Louis, which was adopted.

Senator Kennedy offered Senate Resolution No. 1995, regarding Jenny Kirchhofer, St. Louis, which was adopted.

Senator Days offered Senate Resolution No. 1996, regarding Sara Anderson, Bel-Nor, which was adopted.

Senator Nodler offered Senate Resolution No. 1997, regarding Webb City High School, which was adopted.

Senator McKenna offered Senate Resolution No. 1998, regarding the Sixty-third Wedding Anniversary of Mr. and Mrs. Paul Rainwater, Festus, which was adopted.

Senator Purgason offered Senate Resolution No. 1999, regarding Cassie Jones, Mountain Grove, which was adopted.

Senator Purgason offered Senate Resolution No. 2000, regarding Mollie Kellner, Houston, which was adopted.

On behalf of Senator Koster, Senator Coleman offered Senate Resolution No. 2001, regarding Colonel Constance H. Davis, which was adopted.

On behalf of Senator Koster, Senator Coleman offered Senate Resolution No. 2002, regarding the Sixtieth Wedding Anniversary of Bruce and Delores Stark, Drexel, which was adopted.

Senator Lager offered Senate Resolution No. 2003, regarding Megan Milford, Marceline, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2004, regarding the Mark Twain Lake Sailing Association, which was adopted.

Senator Mayer offered Senate Resolution No. 2005, regarding Dennis "Bullit" Hovis, Piedmont, which was adopted.

Senator Mayer offered Senate Resolution No. 2006, regarding Gaylon Watson, Piedmont, which was adopted.

Senator Goodman offered Senate Resolution No. 2007, regarding Anna Katherine Roberts, Walnut Shade, which was adopted.

Senator Lager offered Senate Resolution No. 2008, regarding Lewis Switlik, Cameron, which was adopted.

Senator Ridgeway offered Senate Resolution No. 2009, regarding the Seventy-fifth Anniversary of Boy Scout Troop 412, Smithville, which was adopted.

Senator Crowell offered Senate Resolution No. 2010, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Blaine Kauffman, which was adopted.

Senator Crowell offered Senate Resolution No. 2011, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. Jerry Wilke, Jackson, which was adopted.

Senator Crowell offered Senate Resolution No. 2012, regarding the Fiftieth Wedding Anniversary of Mr. and Mrs. David E. Schaffner, Cape Girardeau, which was adopted.

Senator Shields announced that photographers from Mizzou Recreation were given permission to take pictures in the Senate Chamber today.

### **REPORTS OF STANDING COMMITTEES**

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

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which was referred **SCS** for **SB 720**, begs leave to report that it has examined the same and finds that the bill has been truly re-perfected and that the printed copies furnished the Senators are correct.

### **SENATE BILLS FOR PERFECTION**

Senator Mayer moved that **SB 754** and **SB 794**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SBs 754** and **794**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILLS NOS. 754 and 794**

An Act to repeal sections 650.055 and 650.056, RSMo, and to enact in lieu thereof two new sections relating to the DNA profiling system, with penalty provisions.

Was taken up.

Senator Mayer moved that **SCS** for **SBs 754** and **794** be adopted, which motion prevailed.

Senator Rupp assumed the Chair.

On motion of Senator Mayer, **SCS** for **SBs 754** and **794** was declared perfected and ordered printed.

Senator Scott moved that **SB 788**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SB 788**, entitled:

#### **SENATE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 788**

An Act to repeal sections 43.543, 105.711, 135.520, 148.330, 209.285, 214.270, 256.453, 285.230, 320.082, 324.050, 324.128, 324.159, 324.200, 324.203, 324.240, 324.243, 324.400, 324.406, 324.475, 324.526, 325.010, 326.265, 327.051, 328.050, 329.025, 329.028, 329.210, 330.190, 331.100, 332.041, 332.327, 333.221, 334.123, 334.240, 334.400, 334.702, 334.735, 334.746, 334.800, 335.036, 336.160, 337.010, 337.090, 337.500, 337.600, 337.700, 338.130, 339.120, 339.507, 340.212, 345.035, 346.010,

354.305, 361.010, 361.092, 361.140, 361.160, 362.109, 362.332, 362.910, 367.500, 370.366, 374.045, 374.070, 374.075, 374.085, 374.115, 374.180, 374.202, 374.217, 374.220, 374.250, 374.456, 375.001, 375.261, 375.923, 381.410, 383.030, 407.020, 407.1085, 408.233, 408.570, 436.005, 443.803, 620.010, 620.105, 620.106, 620.111, 620.120, 620.125, 620.127, 620.130, 620.132, 620.135, 620.140, 620.145, 620.146, 620.148, 620.149, 620.150, 620.151, 620.153, 620.154, and 620.1063, RSMo, and to enact in lieu thereof one hundred thirteen new sections relating to reorganization of the department of insurance, financial institutions and professional registration, in keeping with Executive Order 06-04, with penalty provisions.

Was taken up.

Senator Scott moved that **SCS** for **SB 788** be adopted.

Senator Nodler offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 788, Page 27, Section 324.001, Line 117, by inserting after all of said line the following:

**“10. A compelling governmental interest shall be deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the division of professional registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue.”**; and

further amend said section by renumbering the remaining subsections accordingly.

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

Senator Scott moved that **SCS** for **SB 788**, as amended, be adopted, which motion prevailed.

On motion of Senator Scott, **SCS** for **SB 788**, as amended, was declared perfected and ordered printed.

Senator Ridgeway moved that **SB 747** and **SB 736**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SBs 747** and **736**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 747 and 736

An Act to repeal sections 160.545, 311.310, 311.325, 577.021, 577.500, and 578.255, RSMo, and to enact in lieu thereof seven new sections relating to substance abuse, with penalty provisions.

Was taken up.

Senator Ridgeway moved that **SCS** for **SBs 747** and **736** be adopted.

Senator Ridgeway offered **SS** for **SCS** for **SBs 747** and **736**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 747 and 736

An Act to repeal sections 105.711, 160.545, 311.310, 311.325, 577.021, 577.500, and 578.255, RSMo, and to enact in lieu thereof eight new sections relating to substance abuse, with penalty provisions.

Senator Ridgeway moved that **SS** for **SCS** for **SBs 747** and **736** be adopted.

At the request of Senator Ridgeway, **SB 747** and **SB 736**, with **SCS** and **SS** for **SCS** (pending), were placed on the Informal Calendar.

Senator Bartle assumed the Chair.

Senator Rupp moved that **SB 818** and **SB 795**, with **SCS**, be called from the Informal Calendar and taken up for perfection, which motion prevailed.

**SCS** for **SBs 818** and **795**, entitled:

SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 818 and 795

An Act to repeal sections 160.261, 542.276, 565.090, and 565.225, RSMo, and to enact in lieu thereof four new sections relating to crime, with penalty provisions.

Was taken up.

Senator Rupp moved that **SCS** for **SBs 818** and **795** be adopted.

Senator Rupp offered **SS** for **SCS** for **SBs 818** and **795**, entitled:

SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
SENATE BILLS NOS. 818 and 795

An Act to repeal sections 160.261, 565.090, and 565.225, RSMo, and to enact in lieu thereof three new sections relating to crimes of harassment, with penalty provisions.

Senator Rupp moved that **SS** for **SCS** for **SBs 818** and **795** be adopted, which motion prevailed.

On motion of Senator Rupp, **SS** for **SCS** for **SBs 818** and **795** was declared perfected and ordered printed.

### 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 adopted **SS** for **SCS** for **HB 2020** and has taken up and passed **SS** for **SCS** for **HB 2020**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2014**, entitled:

An Act to appropriate money for supplemental purposes for the several departments and offices of state government, and for purchase of equipment, and for the payment of various claims for refunds, for persons, firms, and corporations, and for other purposes, and to transfer money among certain funds, from the funds designated for the fiscal period ending June 30, 2008.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

**SECOND READING OF SENATE BILLS**

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

- SB 1242**—Seniors, Families and Public Health.
- SB 1243**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1244**—Economic Development, Tourism and Local Government.
- SB 1245**—Financial and Governmental Organizations and Elections.
- SB 1246**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1247**—Financial and Governmental Organizations and Elections.
- SB 1248**—Commerce, Energy and the Environment.
- SB 1249**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1250**—Seniors, Families and Public Health.
- SB 1251**—Financial and Governmental Organizations and Elections.
- SB 1252**—Financial and Governmental Organizations and Elections.
- SB 1253**—Commerce, Energy and the Environment.
- SB 1254**—Economic Development, Tourism and Local Government.
- SB 1255**—Pensions, Veterans' Affairs and General Laws.
- SB 1256**—Ways and Means.
- SB 1257**—Judiciary and Civil and Criminal Jurisprudence.
- SB 1258**—Seniors, Families and Public Health.
- SB 1259**—Seniors, Families and Public Health.
- SB 1260**—Economic Development, Tourism and Local Government.
- SB 1261**—Commerce, Energy and the Environment.
- SB 1262**—Commerce, Energy and the Environment.
- SB 1263**—Commerce, Energy and the Environment.
- SB 1264**—Health and Mental Health.
- SB 1265**—Transportation.
- SB 1266**—Ways and Means.
- SB 1267**—Financial and Governmental Organizations and Elections.
- SB 1268**—Pensions, Veterans' Affairs and General Laws.
- SB 1269**—Pensions, Veterans' Affairs and General Laws.
- SB 1270**—Economic Development, Tourism and Local Government.

**SB 1271**—Economic Development, Tourism and Local Government.

**SB 1272**—Health and Mental Health.

**SB 1273**—Education.

**SB 1274**—Ways and Means.

**SB 1275**—Ways and Means.

**SB 1276**—Economic Development, Tourism and Local Government.

**SB 1277**—Commerce, Energy and the Environment.

**SB 1278**—Commerce, Energy and the Environment.

**SB 1279**—Agriculture, Conservation, Parks and Natural Resources.

**SB 1280**—Agriculture, Conservation, Parks and Natural Resources.

**SB 1281**—Economic Development, Tourism and Local Government.

**SB 1282**—Education.

**SB 1283**—Health and Mental Health.

**SB 1284**—Transportation.

**SB 1285**—Ways and Means.

**SB 1286**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1287**—Judiciary and Civil and Criminal Jurisprudence.

**SB 1288**—Financial and Governmental Organizations and Elections.

**SJR 49**—Ways and Means.

**SJR 50**—Ways and Means.

#### **HOUSE BILLS ON SECOND READING**

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

**HCS for HB 1380**—Seniors, Families and Public Health.

**HB 1386**—Health and Mental Health.

**HB 1313**—Pensions, Veterans' Affairs and General Laws.

**HB 1311**—Financial and Governmental Organizations and Elections.

**HB 1628**—Ways and Means.

**HB 1670**—Ways and Means.

**HB 1320**—Economic Development, Tourism and Local Government.

**HCS for HB 1305**—Education.

**HB 1656**—Seniors, Families and Public Health.

**HCS for HB 1575**—Transportation.

**HB 1354**—Transportation.

**HCS for HJR 55**—Pensions, Veterans' Affairs and General Laws.

**HCS for HB 1774**—Pensions, Veterans' Affairs and General Laws.

**HB 1406**—Transportation.

**HB 1310**—Financial and Governmental Organizations and Elections.

**HCS for HB 1309**—Transportation.

**HB 1970**—Commerce, Energy and the Environment.

**HCS for HB 1763**—Financial and Governmental Organizations and Elections.

**HCS for HB 1314**—Judiciary and Civil and Criminal Jurisprudence.

### **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 **SCS for SBs 754 and 794** and **SCS for SB 788**, 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.

### **INTRODUCTIONS OF GUESTS**

Senator Graham introduced to the Senate, President Adrien Caye and members of the 2007 National Intramural Recreational Sports Association National Open Champion University of Missouri Men's Club Soccer team.

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

### **SENATE CALENDAR**

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**THIRTY-FIRST DAY—TUESDAY, MARCH 4, 2008**

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### **FORMAL CALENDAR**

#### **HOUSE BILLS ON SECOND READING**

HCS for HB 2014

#### **THIRD READING OF SENATE BILLS**

SCS for SB 781-Smith

SS for SCS for SB 778-Justus

SB 958-Goodman

SCS for SB 806-Engler



SCS for SB 720-Coleman  
SCS for SBs 754 & 794-Mayer and Loudon

SCS for SB 788-Scott

SENATE BILLS FOR PERFECTION

- |  |                                       |
|--|---------------------------------------|
| 1. SB 1007-Loudon  | 16. SB 996-Crowell, with SCS          |
| 2. SBs 909, 954, 934 & 1003-Engler,<br>with SCS            | 17. SB 865-Rupp and Gibbons, with SCS |
| 3. SB 749-Ridgeway, with SCS                               | 18. SB 717-Kennedy and Shields        |
| 4. SB 729-Griesheimer, with SCS                            | 19. SB 822-Shoemyer                   |
| 5. SB 768-Rupp and Gibbons, with SCS                       | 20. SB 756-Engler and Rupp, with SCS  |
| 6. SB 776-Justus and Koster, with SCS                      | 21. SB 764-Wilson, et al              |
| 7. SBs 714, 933, 899 & 758-Loudon and<br>Gibbons, with SCS | 22. SBs 1034 & 802-Mayer, with SCS    |
| 8. SJRs 34 & 30-Crowell and Coleman,<br>with SCS           | 23. SB 1058-Mayer                     |
| 9. SB 898-Clemens, with SCS                                | 24. SB 944-Engler, et al, with SCS    |
| 10. SBs 993 & 770-Crowell, with SCS                        | 25. SB 939-Stouffer, with SCS         |
| 11. SB 873-Graham, with SCS                                | 26. SB 1046-Mayer                     |
| 12. SB 846-Rupp, with SCS                                  | 27. SB 1116-Days                      |
| 13. SBs 712 & 882-Gibbons and Rupp, with SCS               | 28. SB 1035-Scott, with SCS           |
| 14. SB 809-Stouffer, with SCS                              | 29. SB 817-Goodman                    |
| 15. SBs 930 & 947-Stouffer, with SCS                       | 30. SB 874-Graham, with SCS           |
|  | 31. SB 881-Green                      |
|  | 32. SB 967-Mayer, with SCS            |
|  | 33. SB 713-Gibbons, with SCS          |

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

- |  |                                     |
|--|-------------------------------------|
| SB 726-Shields, with SCS   | SB 821-Shoemyer, with SCS (pending) |
| SB 732-Champion, et al, with SCS                                       | SBs 840 & 857-Engler, with SCS      |
| SBs 747 & 736-Ridgeway and Gibbons,<br>with SCS & SS for SCS (pending) | SB 907-Engler and Gibbons, with SCS |
| SB 759-Stouffer, with SCS & SA 1 (pending)                             | SB 929-Green and Callahan, with SCS |
| SBs 761 & 774-Stouffer, with SCS                                       | SB 997-Crowell                      |

CONSENT CALENDAR

Senate Bills

Reported 2/28

SB 1121-Loudon  
SB 885-Graham

SB 1009-Loudon, with SCS  
SB 925-Days

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